

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SIXTH DAY — WEDNESDAY, MAY 11, 2005

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 585).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

Absent — Hodge; Villarreal.

The invocation was offered by George Joseph, pastor, St. Elizabeth's Catholic Church, Pflugerville, as follows:

If you and I had been casual bystanders some two thousand years ago when the Lord walked the face of the Earth, what might we have concluded about what he went around saying? Would we have called him a prophet or a mad man? Would we have seen him as a genius or said that he had everything backwards?

After all, he taught that the poor and not the rich would inherit the kingdom. He insisted that children and not the clever would possess the key to the great mystery of heaven. He knelt the night before he died and washed the feet of his disciples and assured them that they were his friends and not servants.

Today we are witnessing tensions of all kinds, tensions between families, between races, nations, and between those who have and those who have not. Despite all our efforts to relieve these tensions, there is still much more work to

be done. And this august body has been challenged by your constituencies to continue the work already accomplished and guide the State of Texas to new horizons of brotherhood and respect for all.

And with this said, we call upon the Almighty to endow each and every one of you with the gifts of wisdom, knowledge, and understanding so that you may lead this great state of ours in justice, integrity, and propriety. And we pray all this through Christ our Lord. Amen.

The speaker recognized Representative Strama who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Denny and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative Merritt who presented Dr. Clark Langley of Kilgore as the "Doctor for the Day."

The house welcomed Dr. Langley and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Villarreal now present)

HR 1367 - ADOPTED (by Miller)

Representative Miller moved to suspend all necessary rules to take up and consider at this time **HR 1367**.

The motion prevailed.

The following resolution was laid before the house:

HR 1367, Honoring the United States Army III Corps for its long history of valiant service to this nation.

HR 1367 was read and was adopted.

On motion of Representative Hupp, the names of all the members of the house were added to **HR 1367** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representatives Miller, Hupp, and Delisi who introduced Lieutenant General Thomas Metz. Lieutenant General Metz briefly addressed the house.

INTRODUCTION OF GUEST

The speaker recognized Representative Anderson who introduced Dr. Henrick Ormel, member of the Netherlands Parliament.

(Swinford in the chair)

**HR 1564 - ADOPTED
(by Hilderbran)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 1564**.

The motion prevailed.

The following resolution was laid before the house:

HR 1564, Honoring Scott Zesch on the publication and success of his most recent work, *The Captured: A True Story of Abduction by Indians on the Texas Frontier*.

HR 1564 was read and was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 1564** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Hilderbran who introduced Scott Zesch.

**HR 1550 - ADOPTED
(by Goodman)**

Representative Goodman moved to suspend all necessary rules to take up and consider at this time **HR 1550**.

The motion prevailed.

The following resolution was laid before the house:

HR 1550, Honoring Marie Marshall of Wichita Falls on her 100th birthday.

HR 1550 was adopted.

**HR 1617 - ADOPTED
(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1617**.

The motion prevailed.

The following resolution was laid before the house:

HR 1617, Congratulating the Iraan High School boys' golf team for winning the 2005 1A state championship.

HR 1617 was read and was adopted.

On motion of Representative Castro, the names of all the members of the house were added to **HR 1617** as signers thereof.

**HR 1618 - ADOPTED
(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1618**.

The motion prevailed.

The following resolution was laid before the house:

HR 1618, Congratulating the Iraan High School boys' golf team for winning the 2004 1A state championship.

HR 1618 was adopted.

On motion of Representative Castro, the names of all the members of the house were added to **HR 1618** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gallego who introduced members of the boys' Iraan High School golf team.

HR 1603 - ADOPTED (by R. Allen)

Representative R. Allen moved to suspend all necessary rules to take up and consider at this time **HR 1603**.

The motion prevailed.

The following resolution was laid before the house:

HR 1603, In memory of Sergeant Gregory Lei Hunter of Grand Prairie.

HR 1603 was read and was unanimously adopted by a rising vote.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 1603** as signers thereof.

HR 1604 - ADOPTED (by R. Allen)

Representative R. Allen moved to suspend all necessary rules to take up and consider at this time **HR 1604**.

The motion prevailed.

The following resolution was laid before the house:

HR 1604, Honoring police officer Bruce Seix of Grand Prairie on his heroism in the line of duty.

HR 1604 was read and was adopted.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 1604** as signers thereof.

REMARKS ORDERED PRINTED

Representative Gallego moved to print remarks from the memorial session for the Honorable Joe E. Moreno which took place before the house convened today.

The motion prevailed.

[Please refer to the supplement to today's journal for the text of the memorial session.]

**HCR 150 - ADOPTED
(by Baxter)**

Representative Baxter moved to suspend all necessary rules to take up and consider at this time **HCR 150**.

The motion prevailed.

The following resolution was laid before the house:

HCR 150, Designating July 1, 2005, as Leukemia and Lymphoma Awareness Day in Texas and congratulating the Leukemia and Lymphoma Society on the establishment of its Central Texas chapter.

HCR 150 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Baxter who introduced members of the Central Texas chapter of the Leukemia and Lymphoma Society.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 15 ON THIRD READING
(Nixon and Rose - House Sponsors)**

SB 15, A bill to be entitled An Act relating to civil claims involving exposure to asbestos and silica.

SB 15 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Jackson recorded voting present, not voting.)

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 1593 ON THIRD READING
(Bailey - House Sponsor)**

SB 1593, A bill to be entitled An Act relating to uniform law on documents of title.

SB 1593 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 1621 ON THIRD READING
(Hamric - House Sponsor)

SB 1621, A bill to be entitled An Act relating to the tax rate for emergency services districts located in certain populous counties.

SB 1621 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 846 ON THIRD READING
(Chavez - House Sponsor)

SB 846, A bill to be entitled An Act relating to distribution of recordings on consignment.

A record vote was requested.

SB 846 was passed by (Record 586): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Swinford(C).

Absent — Hodge.

SB 1050 ON THIRD READING
(Bailey - House Sponsor)

SB 1050, A bill to be entitled An Act relating to the promotional system for municipal civil service fire fighters.

Amendment No. 1

Representative Harper-Brown offered the following amendment to **SB 1050**:

Amend **SB 1050** on Third Reading by adding an appropriately numbered SECTIONS to read as follows:

SECTION _____. Section 143.027(a), Local Government Code, is amended to read as follows:

(a) A person appointed to a beginning position in the fire or police department must serve a probationary period of one year beginning on that person's date of employment as a fire fighter, police officer, or academy trainee. In a municipality with a population less than 1.9 million, the commission by rule may extend the probationary period by not longer than six months for persons who:

(1) are not employed by a department in which a collective bargaining agreement or meet-and-confer agreement currently exists or previously existed; and

(2) must attend a basic training academy necessary for initial certification by the Texas Commission on Fire Protection or the Commission on Law Enforcement Officer Standards and Education.

SECTION _____. Section 143.041(c), Local Government Code, is amended to read as follows:

(c) In addition to the base salary, each fire fighter or police officer is entitled to each of the following types of pay, if applicable:

- (1) longevity or seniority pay;
- (2) educational incentive pay as authorized by Section 143.044;
- (3) assignment pay as authorized by Sections 143.042 and 143.043;
- (4) certification pay as authorized by Section 143.044; ~~and~~
- (5) shift differential pay as authorized by Section 143.047; and
- (6) fitness incentive pay as authorized by Section 143.044.

SECTION _____. The heading to Section 143.044, Local Government Code, is amended to read as follows:

Sec. 143.044. CERTIFICATION, ~~AND~~ EDUCATIONAL INCENTIVE, AND FITNESS INCENTIVE PAY.

SECTION _____. Section 143.044, Local Government Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) If the criteria for fitness incentive pay are clearly established, are in writing, and are applied equally to each fire fighter or police officer in a municipality who meets the criteria, the municipality's governing body may authorize fitness incentive pay for each fire fighter or police officer who successfully meets the criteria.

(e) The certification pay, ~~and~~ educational incentive pay, and fitness incentive pay are in addition to a fire fighter's or police officer's regular pay.

SECTION _____. The change in law made by this Act to Section 143.027(a), Local Government Code, applies only in relation to a person whose date of employment for purposes of that law is on or after the effective date of this Act. A person whose date of employment for purposes of that law is before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

SB 1050, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness in the family:

Hodge on motion of Deshotel.

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

The following bills were laid before the house and read second time:

SB 350 ON SECOND READING (Woolley - House Sponsor)

SB 350, A bill to be entitled An Act relating to the establishment and use of a columbarium by a church in certain municipalities.

SB 350 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz recorded voting no.)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1779 ON SECOND READING (by P. King)

CSHB 1779, A bill to be entitled An Act relating to the continuation, administration, and operations of the Public Utility Commission of Texas and the Office of Public Utility Counsel.

CSHB 1779 was read second time on May 5 and was postponed until 10 a.m. today.

Representative P. King moved to postpone consideration of **CSHB 1779** until 10 a.m. tomorrow.

The motion prevailed.

HB 295 ON SECOND READING (by McClendon)

HB 295, A bill to be entitled An Act relating to the removal of a member of a junior college district board of trustees for failure to attend board meetings.

HB 295 was read second time on April 27 and was postponed until 10 a.m. today.

HB 295 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2705 ON SECOND READING

(by Krusee)

CSHB 2705, A bill to be entitled An Act relating to the authority of counties to issue bonds to construct, maintain, or operate toll or nontoll projects or facilities on the state highway system.

CSHB 2705 was read second time on May 5 and was postponed until 10 a.m. today.

Representative Krusee moved to postpone consideration of **CSHB 2705** until June 1.

The motion prevailed.

HB 2420 ON SECOND READING

(by Chavez, Solis, and Escobar)

HB 2420, A bill to be entitled An Act relating to the allocation of federal funds directed to be used to support graduate medical education in connection with the state Medicaid program.

HB 2420 was read second time on May 3, postponed until May 9, and was again postponed until 10 a.m. today.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 2420**:

Amend **HB 2420** as follows:

(1) On page 1, strike lines 6-8 and substitute the following:

SECTION 1. Section 32.0315(b), Human Resources Code, is amended to read as follows:

(2) Strike page 1, line 9 through page 2, line 9.

(3) Strike the last sentence of amended Section 32.0315(b), Human Resources Code (page 2, lines 16-21), and substitute the following:

In determining the needs of this state for graduate medical education, the department shall give primary emphasis to graduate medical education in primary care specialties and shall also recognize the growth in residency training slots since 1997 in the Lower Rio Grande Valley and other health care shortage areas of this state.

Amendment No. 1 was adopted.

HB 2420, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Truitt recorded voting no.)

SB 1309 ON SECOND READING

(Miller - House Sponsor)

SB 1309, A bill to be entitled An Act relating to member restrictions for commissioners of the Texas Workforce Commission.

SB 1309 was considered in lieu of **HB 2316**.

SB 1309 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2316 - LAID ON THE TABLE SUBJECT TO CALL

Representative Miller moved to lay **HB 2316** on the table subject to call.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today because of appropriations business:

Kolkhorst on motion of Truitt.

McClendon on motion of Truitt.

HB 1093 ON SECOND READING

(by Turner)

HB 1093, A bill to be entitled An Act relating to the eligibility of certain inmates of the Texas Department of Criminal Justice for medically recommended intensive supervision.

HB 1093 was read second time on May 5, postponed until May 9, and was again postponed until 10 a.m. today.

Representative Turner moved to postpone consideration of **HB 1093** until 10 a.m. June 1.

The motion prevailed.

CSSB 1670 ON SECOND READING

(Callegari - House Sponsor)

CSSB 1670, A bill to be entitled An Act relating to a motor vehicle financial responsibility verification program; providing a penalty.

CSSB 1670 was considered in lieu of **CSHB 2573**.

CSSB 1670 was read second time.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 40).

CSSB 1670 - (consideration continued)**Amendment No. 1**

Representative Talton offered the following amendment to **CSSB 1670**:

Amend **CSSB 1670** in SECTION 1 of the bill, in added Section 601.453(c), Transportation Code (House Committee Printing, page 2, line 26), by striking "10" and substituting "two".

Amendment No. 1 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative West requested permission for the Committee on Energy Resources to meet while the house is in session at 12:30 p.m. today, in 3W.9, for a formal meeting, to consider **SB 1032**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Energy Resources, 12:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 1032**.

CSSB 1670 - (consideration continued)

Representative Callegari moved to postpone consideration of **CSSB 1670** until 1 p.m. today.

The motion prevailed.

**SB 1000 ON SECOND READING
(McReynolds - House Sponsor)**

SB 1000, A bill to be entitled An Act relating to the regulation of the practice of nursing.

SB 1000 was considered in lieu of **CSHB 3100**.

SB 1000 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3100 - LAID ON THE TABLE SUBJECT TO CALL

Representative McReynolds moved to lay **CSHB 3100** on the table subject to call.

The motion prevailed.

CSSB 1273 ON SECOND READING
(Geren - House Sponsor)

CSSB 1273, A bill to be entitled An Act relating to the establishment of the Texas farm and ranch lands conservation program.

CSSB 1273 was considered in lieu of **CSHB 116**.

CSSB 1273 was read second time.

Amendment No. 1

Representative Geren offered the following amendment to **CSSB 1273**:

Amend **CSSB 1273** (House committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 183.056(c), Natural Resources Code (page 4, line 25), strike "fund" and substitute "qualified easement holder".

(2) In SECTION 2 of the bill, at the end of added Section 183.056(c), Natural Resources Code (page 4, line 27), add:

The qualified easement holder shall pay to the fund any amounts received under this subsection, not to exceed the amount paid by the fund for the purchase of the easement.

(3) In SECTION 2 of the bill, strike added Section 183.057(d), Natural Resources Code (page 6, lines 2-11), and substitute:

(d) If, after making the determination required by Subsection (a), a department or agency of this state, a county, a municipality, another political subdivision, or a public utility acquires by eminent domain a fee simple interest in land encumbered by an agricultural conservation easement purchased under this subchapter:

(1) the easement on the condemned property terminates; and

(2) the entity exercising the power of eminent domain shall:

(A) pay for an appraisal of the fair market value, as that term is defined by Section 183.056, of the property subject to condemnation;

(B) pay to the qualified easement holder an amount equal to the amount paid by the holder for the portion of the easement affecting the property to be condemned;

(C) pay to the landowner an amount equal to the fair market value of the condemned property less the amount paid to the qualified easement holder under Paragraph (B); and

(D) pay to the landowner and the qualified easement holder any additional damages to their interests in the remaining property, as determined by the special commissioners under Section 21.042, Property Code.

(e) If, after making the determination required by Subsection (a), a department or agency of this state, a county, a municipality, another political subdivision, or a public utility acquires by eminent domain an interest other than a fee simple interest in land encumbered by an agricultural conservation easement purchased under this subchapter:

(1) the entity exercising the power of eminent domain shall pay for an appraisal of the fair market value, as that term is defined by Section 183.056, of the property subject to condemnation; and

(2) the special commissioners shall consider the fair market value as the value of the property for purposes of assessing damages under Section 21.042, Property Code.

(f) The qualified easement holder shall pay to the fund any amounts received under Subsections (d) and (e), not to exceed the amount paid by the fund for the purchase of the easement.

(4) In SECTION 2 of the bill, strike added Section 183.061(a)(2), Natural Resources Code (page 10, lines 22-27), and substitute:

(2) three ex officio members as follows:

(A) the commissioner;

(B) the presiding officer of the Parks and Wildlife Commission or the presiding officer's designee; and

(C) the state conservationist of the Natural Resource Conservation Service of the United States Department of Agriculture or a designee of that person, who serves as a nonvoting member.

(5) In SECTION 2 of the bill, in added Section 183.061(d), Natural Resources Code, between "designate" and "an" (page 11, line 8), insert "from among the members of the council".

(6) In SECTION 2 of the bill, strike added Section 183.064, Natural Resources Code (page 15, lines 3-7), and substitute:

Sec. 183.064. REPORT TO TEXAS DEPARTMENT OF TRANSPORTATION. Not later than the 10th day after the date of a closing of a purchase of an easement under this subchapter, the land office shall provide the Texas Department of Transportation a legal description of the property subject to the easement and shall include with the description the date the closing occurred.

Amendment No. 1 was adopted.

CSSB 1273, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 116 - LAID ON THE TABLE SUBJECT TO CALL

Representative Geren moved to lay **CSHB 116** on the table subject to call.

The motion prevailed.

CSHB 3047 ON SECOND READING

(by Veasey)

CSHB 3047, A bill to be entitled An Act relating to emergency communication district participation in state travel services contracts.

CSHB 3047 was read second time on May 9 and was postponed until 10 a.m. today.

CSHB 3047 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 879 ON SECOND READING
(by Madden)

CSHB 879, A bill to be entitled An Act relating to the sale of tax receivables by a local government.

CSHB 879 was read second time on May 9, postponed until May 10, and was again postponed until 10 a.m. today.

Representative Madden moved to postpone consideration of **CSHB 879** until 10 a.m. tomorrow.

The motion prevailed.

SB 1464 ON SECOND READING
(Puente - House Sponsor)

SB 1464, A bill to be entitled An Act relating to funds to be used for nuclear decommissioning purposes by electric utilities.

SB 1464 was considered in lieu of **CSHB 1698**.

SB 1464 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1698 - LAID ON THE TABLE SUBJECT TO CALL

Representative Puente moved to lay **CSHB 1698** on the table subject to call.

The motion prevailed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 1583 - ADOPTED
(by Y. Davis)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1583**.

The motion prevailed.

The following resolution was laid before the house:

HR 1583, In memory of the Reverend DarNell Gerard Pemberton of Dallas.

HR 1583 was unanimously adopted by a rising vote.

**HR 1533 - ADOPTED
(by Veasey)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1533**.

The motion prevailed.

The following resolution was laid before the house:

HR 1533, Honoring the Corsicana Chapter of the Huston-Tillotson University International Alumni Association on being named the 2005 Chapter of the Year.

HR 1533 was adopted.

**HR 1619 - ADOPTED
(by Hopson)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1619**.

The motion prevailed.

The following resolution was laid before the house:

HR 1619, Honoring the city of Carthage for its contributions to country music.

HR 1619 was adopted.

**HR 1613 - ADOPTED
(by Flynn)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1613**.

The motion prevailed.

The following resolution was laid before the house:

HR 1613, Honoring John and Mary Peden of Van on the occasion of their 50th wedding anniversary.

HR 1613 was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 18).

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

CSHB 2330 ON SECOND READING
(by Morrison, Woolley, Branch, Goolsby, and Eissler)

CSHB 2330, A bill to be entitled An Act relating to the automatic admission of undergraduate students to general academic teaching institutions.

Amendment No. 1

Representative Solis offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** (House Committee Printing) on page 1, line 4, by striking the enacting clause.

Representative Morrison moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 587): 74 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; King, P.; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Miller; Morrison; Nixon; Orr; Otto; Paxton; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Blake; Burnam; Castro; Chavez; Coleman; Cook, B.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Haggerty; Hardcastle; Herrero; Hochberg; Homer; Hopson; Jones, J.; Keffer, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Moreno, P.; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Smithee; Solis; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Kolkhorst; McClendon.

Absent — Allen, R.; Hamilton; Hughes; Jones, D.; Pitts.

Amendment No. 2

Representative Woolley offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 33.007(b), Education Code, is amended to read as follows:

(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during a student's senior year, a counselor shall provide information about higher education to the student and the student's parent or guardian. The information must include information regarding:

- (1) the importance of higher education;
- (2) the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a);
- (3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
- (4) financial aid eligibility;
- (5) instruction on how to apply for federal financial aid;
- (6) the center for financial aid information established under Section 61.0776;

~~[(7) the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;] and~~

~~(7) [(8)] the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56[~~, as added by Chapter 1590, Acts of the 76th Legislature, Regular Session, 1999~~].~~

SECTION 2. The heading to Section 51.805, Education Code, is amended to read as follows:

Sec. 51.805. UNDERGRADUATE ~~[OTHER]~~ ADMISSIONS.

SECTION 3. Sections 51.805(a) and (b), Education Code, are amended to read as follows:

~~(a) [A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution.~~

~~[(b) The general academic teaching institution, after admitting students under Sections 51.803 and 51.804, shall admit other applicants for admission as undergraduate students.]~~ It is the intent of the legislature that all institutions of higher education pursue academic excellence by considering students' academic achievements in decisions related to admissions.

(b) Because of changing demographic trends, diversity, and population increases in the state, each general academic teaching institution shall also consider all of, any of, or a combination of the following socioeconomic indicators or factors in making first-time freshman admissions decisions:

- (1) the applicant's academic record;
- (2) the socioeconomic background of the applicant, including the percentage by which the applicant's family is above or below any recognized measure of poverty, the applicant's household income, and the applicant's parents' level of education;
- (3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an institution of higher education;
- (4) whether the applicant has bilingual proficiency;
- (5) the financial status of the applicant's school district;

- (6) the performance level of the applicant's school as determined by the school accountability criteria used by the Texas Education Agency;
- (7) the applicant's responsibilities while attending school, including whether the applicant has been employed, whether the applicant has helped to raise children, or other similar factors;
- (8) the applicant's region of residence;
- (9) whether the applicant is a resident of a rural or urban area or a resident of a central city or suburban area in the state;
- (10) the applicant's performance on standardized tests;
- (11) the applicant's performance on standardized tests in comparison with that of other students from similar socioeconomic backgrounds;
- (12) whether the applicant attended any school while the school was under a court-ordered desegregation plan;
- (13) the applicant's involvement in community activities;
- (14) the applicant's extracurricular activities;
- (15) the applicant's commitment to a particular field of study;
- (16) the applicant's personal interview;
- (17) the applicant's admission to a comparable accredited out-of-state institution; and
- (18) any other consideration the institution considers necessary to accomplish the institution's stated mission.

SECTION 4. Section 51.806, Education Code, is amended to read as follows:

Sec. 51.806. REPORT TO COORDINATING BOARD. Each general academic teaching institution shall provide a report annually to the Texas Higher Education Coordinating Board describing the composition of the entering class of students admitted under this subchapter. The report must ~~shall~~ include a demographic breakdown, including a breakdown by race, ethnicity, and economic status, of the students admitted under this subchapter ~~Sections 51.803, 51.804, and 51.805~~.

SECTION 5. Section 51.842(a), Education Code, is amended to read as follows:

(a) A graduate or professional program of a general academic teaching institution or medical or dental unit may consider the following factors in making an admissions or scholarship decision for admissions into or competitive scholarships for the graduate or professional program:

- (1) an applicant's academic record as a high school student and undergraduate student;
- (2) the socioeconomic background of the applicant while the applicant attended elementary and secondary school and was an undergraduate student, including any change in that background;
- (3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an undergraduate program or from a graduate or professional program;
- (4) whether the applicant has multilingual proficiency;

(5) the applicant's responsibilities while attending elementary and secondary school and as an undergraduate student, including whether the applicant was employed, whether the applicant helped to raise children, and other similar factors;

(6) to achieve geographic diversity, the applicant's region of residence at the time of application and, if the applicant graduated from a public high school in this state within the preceding 20 years, the region in which the applicant's school district is located;

(7) the applicant's involvement in community activities;

(8) the applicant's demonstrated commitment to a particular field of study;

(9) for admission into a professional program, the current comparative availability of members of that profession in the applicant's region of residence while the applicant attended elementary and secondary school;

~~[(10) whether the applicant was automatically admitted to a general academic teaching institution as an undergraduate student under Section 51.803;]~~ and

(10) ~~[(11)]~~ the applicant's personal interview.

SECTION 6. Sections 28.026, 51.803, 51.804, and 51.8045, Education Code, are repealed.

SECTION 7. The change in law made by this Act applies beginning with admissions to a general academic teaching institution for the 2006-2007 academic year. Admissions for an academic period preceding that academic year are covered by the law in effect immediately before the effective date of this Act, and the prior law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 2005.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Dutton offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 1, line 6, strike "(c) and (d)" and substitute "(c), (d), (e), and (f)".

(2) On page 1, line 8, strike "(c) and (d)" and substitute "(c), (d), and (e)".

(3) On page 3, between lines 17 and 18, insert the following:

(e) This section does not apply to admissions by a general academic teaching institution for an academic year if the total percentage of students from underrepresented racial or ethnic groups enrolled as first-time freshman students at the institution during the preceding academic year equaled or exceeded the total percentage of students from underrepresented racial or ethnic groups listed for the fall semester of the preceding academic year on the roster of the National Collegiate Athletic Association football team fielded by the institution. For purposes of this subsection, a student is from an underrepresented racial or ethnic group if the student identifies himself or herself as an African American student, a Mexican American student or a student of other Hispanic origin, or an American Indian, Eskimo, or Aleutian student.

(f) Each general academic teaching institution shall state on the institution's Internet website whether the institution is exempt from this section in making admissions for an academic year because of the application of Subsection (e).

(4) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 51.804, Education Code, is amended to read as follows:

Sec. 51.804. ADDITIONAL AUTOMATIC ADMISSIONS: SELECTED INSTITUTIONS. For each academic year, the governing board of each general academic teaching institution to which Section 51.803 applies shall determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803, shall be admitted to the institution if the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 25 percent of the applicant's high school graduating class.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Morrison offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** by substituting "been offered admission" for "accepted admission offers" on p. 2, line 22 and p.3, line 10.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Morrison offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 51.805(b), Education Code, is amended to read as follows:

(b) The general academic teaching institution, after admitting students under Sections 51.803 and 51.804, shall admit other applicants for admission as undergraduate students. It is the intent of the legislature that all institutions of higher education adopt admissions policies that further the goals of "Closing the Gaps," the state's master plan for higher education, and pursue academic excellence by considering students' academic achievements in decisions related to admissions. Because of changing demographic trends, diversity, and population increases in the state, each general academic teaching institution shall also consider all of, any of, or a combination of the following socioeconomic indicators or factors in making first-time freshman admissions decisions:

- (1) the applicant's academic record;

(2) the socioeconomic background of the applicant, including the percentage by which the applicant's family is above or below any recognized measure of poverty, the applicant's household income, and the applicant's parents' level of education;

(3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an institution of higher education;

(4) whether the applicant has bilingual proficiency;

(5) the financial status of the applicant's school district;

(6) the performance level of the applicant's school as determined by the school accountability criteria used by the Texas Education Agency;

(7) the applicant's responsibilities while attending school, including whether the applicant has been employed, whether the applicant has helped to raise children, or other similar factors;

(8) the applicant's region of residence;

(9) whether the applicant is a resident of a rural or urban area or a resident of a central city or suburban area in the state;

(10) the applicant's performance on standardized tests;

(11) the applicant's performance on standardized tests in comparison with that of other students from similar socioeconomic backgrounds;

(12) whether the applicant attended any school while the school was under a court-ordered desegregation plan;

(13) the applicant's involvement in community activities;

(14) the applicant's extracurricular activities;

(15) the applicant's commitment to a particular field of study;

(16) the applicant's personal interview;

(17) the applicant's admission to a comparable accredited out-of-state institution; and

(18) any other consideration the institution considers necessary to accomplish the institution's stated mission.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Dutton offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 1, line 6, strike "(c) and (d)" and substitute "(c), (d), (e), and (f)".

(2) On page 1, line 8, strike "(c) and (d)" and substitute "(c), (d), and (e)".

(3) On page 3, between lines 17 and 18, insert the following:

(e) This section does not apply to admissions by a general academic teaching institution for an academic year if the total percentage of students from underrepresented racial or ethnic groups enrolled as first-time freshman students at the institution during the preceding academic year equaled or exceeded the total percentage of students from underrepresented racial or ethnic groups listed for the fall semester of the preceding academic year on the roster of the National Collegiate Athletic Association football team fielded by the institution. For purposes of this subsection, a student is from an underrepresented racial or ethnic

group if the student identifies himself or herself as an African American student, a Mexican American student or a student of other Hispanic origin, or an American Indian, Eskimo, or Aleutian student.

(f) Each general academic teaching institution shall state on the institution's Internet website whether the institution is exempt from this section in making admissions for an academic year because of the application of Subsection (e).

(4) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION ____ . Section 51.804, Education Code, is amended to read as follows:

Sec. 51.804. ADDITIONAL AUTOMATIC ADMISSIONS: SELECTED INSTITUTIONS. For each academic year, the governing board of each general academic teaching institution to which Section 51.803 applies shall determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803, shall be admitted to the institution if the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 25 percent of the applicant's high school graduating class.

(Kolkhorst and McClendon now present)

Representative Morrison moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 588): 84 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Herrero; Hilderbran; Hochberg; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Solis; Thompson; Turner; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge.

Absent — Corte; Goodman; Haggerty; Hughes; Pitts; Strama; Vo.

Amendment No. 7

Representative Coleman offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 1, line 6, strike "(d)" and substitute "(c-1)".

(2) On page 1, line 8, strike "Subsections (c) and (d)" and substitute "Subsection (c)".

(3) Strike page 2, line 2, through page 3, line 17, and substitute the following:

(c) The University of Texas at Austin shall reserve for admissions under Subsection (a) not less than 62 percent of the university's enrollment capacity designated for first-time undergraduate students. Subsection (a) does not apply to the portion of the university's enrollment capacity designated for first-time undergraduate students that is not reserved under this subsection for admissions under Subsection (a). If the number of applicants who qualify for automatic admission to The University of Texas at Austin under Subsection (a) exceeds the number of spaces reserved by the university under this subsection for admissions under Subsection (a), the university shall:

(1) to the extent practicable, offer admission to those applicants in the order in which the applicants apply for admission to the university until the spaces reserved by the university for admissions under this subsection are filled;

(2) after offering admission to applicants under Subdivision (1), place the remaining applicants on a waiting list according to the order in which the applicants apply to the university for admission and offer admission to those applicants in that order if the reserved spaces become available; and

(3) consider the remaining applicants placed on the waiting list under Subdivision (2) in the same manner as other applicants for admission as first-time freshmen students in accordance with Section 51.805.

(c-1) This subsection and Subsection (c) expire September 1, 2007.

(4) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION ____ . Subchapter U, Chapter 51, Education Code, is amended by adding Section 51.8065 to read as follows:

Sec. 51.8065. REPORT TO LEGISLATURE. Not later than January 1, 2007, the Texas Higher Education Coordinating Board shall submit a report to the legislature regarding the impact of the uniform admission policy under this subchapter on racial, ethnic, and geographical diversity at general academic teaching institutions. This section expires September 1, 2007.

Representative Morrison moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 589): 82 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hochberg; Homer; Hopson; Jones, J.; King, T.; Kolkhorst; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Pickett; Puente; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Edwards.

Absent, Excused — Hodge.

Absent — Allen, R.; Haggerty; Peña; Quintanilla; Truitt.

STATEMENT OF VOTE

When Record No. 589 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hill requested permission for the Committee on Local Government Ways and Means to meet while the house is in session at 2:15 p.m. today, in 3W.9, for a formal meeting, to consider pending committee business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local Government Ways and Means, 2:15 p.m. today, 3W.9, for a formal meeting, to consider pending committee business.

CSHB 2330 - (consideration continued)

Amendment No. 8

Representative J. Jones offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 2, strike lines 2-12 and substitute the following:

(c) A general academic teaching institution with a total student enrollment of more than 40,000 in a fall semester shall reserve for admissions under Subsection (a) for the next academic year following that fall semester a percentage of the institution's enrollment capacity designated for first-time undergraduate students that will ensure that the number of first-time undergraduate students attending the institution in that academic year who are members of a racial or ethnic group that is underrepresented among the student body of the institution and who are admitted under Subsection (a) is not less than the number of first-time undergraduate students attending the institution in the 2004 summer sessions and fall semester who were members of that racial or ethnic group. Subsection (a) does not apply to the portion of the institution's enrollment capacity designated for first-time undergraduate students that is not reserved for admissions under Subsection (a). If the number of applicants who qualify for automatic admission to a general academic teaching institution under Subsection (a) exceeds the number of spaces reserved by the institution under this subsection for admissions under Subsection (a), the institution shall, except as provided by Subsection (d):

(2) On page 2, line 23, between "institution" and "for", insert "under this subsection".

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION __. Section 51.805, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In admitting students under this section in an academic year, a general academic teaching institution with a total student enrollment of more than 40,000 in the preceding fall semester shall ensure that the number of first-time undergraduate students admitted to the institution in that academic year under this subchapter who are members of a racial or ethnic group that is underrepresented among the student body of the institution is not less than the number of first-time undergraduate students attending the institution in the preceding academic year who were members of that racial or ethnic group.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Corte on motion of Hilderbran.

CSHB 2330 - (consideration continued)

Representative Morrison moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 590): 84 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn;

Frost; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Herrero; Hochberg; Homer; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Hodge.

Absent — Brown, B.; Castro; Cook, R.; Haggerty; Straus.

Amendment No. 9

Representative Dutton offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 1, line 6, strike "(c) and (d)" and substitute the following:

(a) This applies to universities and colleges in Texas whose anglo population of the freshman class previously entered is less than 75 percent.

(P. King in the chair)

Representative Morrison moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 591): 90 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; Kolkhorst; Krusee; Laney; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Herrero; Homer; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Raymond; Rodriguez; Solis; Thompson; Turner; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker; King, P.(C).

Absent, Excused — Corte; Hodge.

Absent — Goolsby; Haggerty; Hochberg; Kuempel; Vo.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

Amendment No. 10

Representative Dutton offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

Adding a new section.

Section___: This bill applies only to The University of Texas.

Representative Morrison moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 592): 87 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Bonnen; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Tourelles; Guillen; Herrero; Hochberg; Homer; Hopson; Jones, J.; Keel; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Solis; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; King, P.(C).

Absent, Excused — Corte; Hodge.

Absent — Giddings; Haggerty; Oliveira.

Amendment No. 11

Representative Turner offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 2, line 2, strike "A" and substitute "Beginning with admissions for the 2008-2009 academic year, a".

(2) On page 2, line 3, strike "50" and substitute "95".

(3) On page 2, line 15, between "advanced" and "high", insert "or recommended".

(4) On page 4, line 2, between "advanced" and "high", insert "or recommended".

(5) Strike SECTION 3 of the bill (page 4, lines 3-7).

(6) Add the following appropriately numbered SECTIONS to the bill and renumber the other SECTIONS of the bill accordingly:

SECTION ___. Sections 28.025(e) and (g), Education Code, are amended to read as follows:

(e) Each school district shall report the academic achievement record of a student in an electronic format [~~students who have completed a minimum, recommended, or advanced high school program~~] on a uniform transcript form [~~forms~~] adopted by the State Board of Education. The transcript form [~~forms~~] adopted by the board must be designed to:

(1) clearly differentiate between [~~each of~~] the minimum, recommended, and advanced high school programs and identify the program completed by a student;

(2) provide information in a standard format regarding:

(A) any honors, advanced placement, or international baccalaureate courses available at a student's high school and which, if any, of those courses the student completed; and

(B) any college-level courses available to a student under a dual credit program provided under an agreement between the student's high school and an institution of higher education and which, if any, of those courses the student completed; and

(3) identify whether a student received a diploma or a certificate of coursework completion.

(g) If a student, other than a student permitted to take courses under the minimum high school program as provided by Subsection (b), is unable to complete the recommended or advanced high school program solely because necessary courses were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control, the school district, [~~shall indicate that fact~~] on the student's transcript form described by Subsection (e), shall:

(1) indicate whether the student completed those courses necessary to complete the program that were available to the student; and

(2) identify those courses necessary to complete the program that were unavailable to the student as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

SECTION _____. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0252 to read as follows:

Sec. 28.0252. COMPUTATION OF HIGH SCHOOL GRADE POINT AVERAGE. (a) The commissioner shall develop a standard method of computing a student's high school grade point average that provides for additional weight to be given to each honors course, advanced placement course, international baccalaureate course, or dual credit course described by Section 28.025(e)(2)(B) completed by a student.

(b) A school district shall use the standard method developed under this section to compute a student's high school grade point average, and the student's grade point average computed in that manner shall be used in determining the student's eligibility for automatic college admission under Section 51.803.

(b-1) Subsection (b) applies only to students entering grade nine during or after the 2007-2008 school year. This subsection expires September 1, 2010.

(c) The commissioner may adopt rules necessary to implement this section.

SECTION _____. Section 28.026, Education Code, is amended to read as follows:

Sec. 28.026. NOTICE OF AUTOMATIC COLLEGE ADMISSION. (a) The board of trustees of a school district shall require each high school in the district to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803 regarding automatic college admission. To assist in the dissemination of this information, the school district shall:

(1) require that each high school counselor and class advisor be provided a detailed explanation of the substance of Section 51.803;

(2) provide each district student, at the time the student first registers for one or more classes required for high school graduation, with a written notification of the substance of Section 51.803;

(3) require that each high school counselor and senior class advisor explain to eligible students the substance of Section 51.803; and

(4) ~~(3)~~ provide each eligible senior student under Section 51.803, at the commencement of a class's senior year, with a written notification of the student's eligibility with a detailed explanation of the substance of Section 51.803.

(b) The commissioner shall adopt forms to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district shall use the appropriate form adopted by the commissioner.

(c) The commissioner shall adopt procedures to ensure that, as soon as practicable after this subsection becomes law, each school district provides written notification of the substance of Section 51.803, as amended by the 79th Legislature, Regular Session, 2005, to each district student who, for the 2005-2006 school year, registers for the first time for one or more courses required for high school graduation. The commissioner may adopt rules under

this subsection in the manner provided by law for emergency rules. Each district shall comply with the procedures adopted by the commissioner under this subsection. This subsection expires September 1, 2006.

Representative Morrison moved to table Amendment No. 11.

A record vote was requested.

The motion to table was lost by (Record 593): 68 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Harper-Brown; Hartnett; Hegar; Hope; Howard; Hughes; Hunter; Hupp; Isett; Keel; Keffer, B.; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Blake; Bohac; Burnam; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hardcastle; Herrero; Hilderbran; Hochberg; Homer; Hopson; Jones, D.; Jones, J.; Keffer, J.; King, T.; Kolkhorst; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; King, P.(C).

Absent, Excused — Corte; Hodge.

Absent — Callegari; Hill; Jackson; Mowery.

(Speaker in the chair)

A record vote was requested.

Amendment No. 11 failed of adoption by (Record 594): 66 Yeas, 78 Nays, 0 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Blake; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Homer; Hopson; Hughes; Jones, J.; Keffer, J.; King, T.; Kolkhorst; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Oliveira; Olivo; Peña; Pickett; Puente; Raymond; Ritter; Rodriguez; Smithee; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Mr. Speaker(C); Allen, R.; Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; King, P.; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Quintanilla; Reyna; Riddle; Rose; Seaman; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Absent, Excused — Corte; Hodge.

Absent — Jones, D.; Noriega, M.; Smith, T.

STATEMENT OF VOTE

I was shown voting no on Record No. 594. I intended to vote yes.

Quintanilla

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keel requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session at 3:45 p.m. today, in 3W.9, for a formal meeting, to consider **SB 1469**, **SB 1791**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 3:45 p.m. today, 3W.9, for a formal meeting, to consider **SB 1469**, **SB 1791**, and pending business.

CSHB 2330 - (consideration continued)

Amendment No. 12

Representative Gallego offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 2, line 2, strike "A general academic teaching institution" and substitute "The University of Texas at Austin".

(2) On page 2, line 3, strike "50" and substitute "65".

(3) On page 2, strike lines 18-25 and substitute the following:

"(2) after offering admissions to applicants under Subdivision (1), offer admission to the remaining applicants in the manner the institution considers appropriate to further the mission of the institution until a sufficient number of those applicants have accepted admission offers to fill those spaces reserved by the institution under this subsection for admissions under Subsection (a); and"

(4) On page 3, strike lines 7-12 and substitute the following:

"shall offer admission to those applicants in the the manner the institution considers appropriate to further the mission of the institution until a sufficient number of those applicants have accepted admission offers to fill those spaces reserved by the institution under this subsection for admissions under Subsection (a). The institution shall"

Representative Morrison moved to table Amendment No. 12.

A record vote was requested.

The motion to table prevailed by (Record 595): 77 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Campbell; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hilderbran; Hochberg; Homer; Hopson; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Hodge.

Absent — Bailey; Burnam; Haggerty; Hope; Kolkhorst; Luna; Quintanilla; Smithee.

STATEMENT OF VOTE

When Record No. 595 was taken, I was in the house but away from my desk. I would have voted no.

Burnam

Amendment No. 13

Representative J. Jones offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 2, line 2, between "institution" and "shall", insert "with a total student enrollment of more than 40,000 in a fall semester".

(2) On page 2, line 3, between "Subsection (a)" and "not", insert "for the next academic year following that fall semester".

(3) On page 2, line 11, between "institution" and "for", insert "under this subsection".

(4) On page 2, line 23, between "institution" and "for", insert "under this subsection".

Representative Morrison moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 596): 83 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Herrero; Hochberg; Homer; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Hodge.

Absent — Goolsby; Isett; Peña; Phillips; Smith, T.; Smithee.

Amendment No. 14

Representative Coleman offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** as follows:

(1) On page 1, line 6, strike "(c) and (d)" and substitute "(c), (d), and (e)".

(2) On page 3, between lines 17 and 18, insert the following:

(e) Notwithstanding Subsection (c), a general academic teaching institution that does not consider race or ethnicity as a factor in admissions is required to offer admission to any applicant for admission to the institution who qualifies for automatic admission under Subsection (a).

Representative Morrison moved to table Amendment No. 14.

A record vote was requested.

The motion to table prevailed by (Record 597): 84 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Herrero; Hochberg; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Hodge.

Absent — Edwards; Flores; Goodman; Hope; Laney; McClendon.

Amendment No. 15

Representatives Bonnen and Homer offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION __. Subchapter U, Chapter 51, Education Code, is amended by adding Section 51.8035 to read as follows:

Sec. 51.8035. AUTOMATIC ADMISSION OF APPLICANTS COMPLETING CORE CURRICULUM AT ANOTHER INSTITUTION. (a) In this section:

(1) "Core curriculum" means the core curriculum adopted by an institution of higher education under Section 61.822.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) A general academic teaching institution shall admit an applicant for admission to the institution as a transfer undergraduate student who:

(1) graduated from high school not earlier than the fourth school year before the academic year for which the applicant seeks admission and qualified for automatic admission to a general academic teaching institution under Section 51.803(a) at the time of graduation;

(2) first enrolled in an institution of higher education not earlier than the second academic year before the academic year for which the applicant seeks admission;

(3) completed the core curriculum at an institution of higher education, other than the institution to which the applicant seeks admission, with a cumulative grade point average of at least 3.25 on a four-point scale or the equivalent; and

(4) submits an application for admission as a transfer student before the expiration of any application filing deadline established by the institution.

(c) For purposes of this section, transfer semester credit hours from a different institution of higher education and semester credit hours earned by examination shall be included in determining whether the person completed the core curriculum at an institution of higher education.

SECTION ____ . Section 51.8035, Education Code, as added by this Act, applies beginning with admissions to a general academic teaching institution for the 2006 spring semester.

Amendment No. 15 was adopted.

Amendment No. 16

Representative B. Cook offered the following amendment to **CSHB 2330**:

Amend **CSHB 2330** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION ____ . Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0252 to read as follows:

Sec. 28.0252. COMPUTATION OF HIGH SCHOOL GRADE POINT AVERAGE. (a) The commissioner may develop a standard method of computing a student's high school grade point average that provides for additional weight to be given to each honors course, advanced placement course, international baccalaureate course, or dual credit course described by Section 28.025(e)(2)(B) completed by a student. The method must provide for advanced placement courses and dual credit courses to be weighted equally.

(b) A school district may use the standard method developed under this section to compute a student's high school grade point average, and the student's grade point average computed in that manner shall be used in determining the student's eligibility for automatic college admission under Section 51.803.

(b-1) Subsection (b) applies only to students entering grade nine during or after the 2007-2008 school year. This subsection expires September 1, 2010.

(c) The commissioner may adopt rules necessary to implement this section.

Amendment No. 16 was adopted.

A record vote was requested.

CSHB 2330, as amended, was passed to engrossment by (Record 598): 75 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Blake; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Hamilton; Hardcastle; Herrero; Hilderbran; Hochberg; Homer; Hopson; Hughes; Jones, J.; Keffer, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Smithee; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Hodge.

Absent — Chisum; Kolkhorst.

STATEMENTS OF VOTE

When Record No. 598 was taken, my vote failed to register. I would have voted yes.

Chisum

When Record No. 598 was taken, I was temporarily out of the house chamber, meeting with the Governor's staff. I would have voted no.

Kolkhorst

CSHB 2876 ON SECOND READING (by Callegari, Gattis, et al.)

CSHB 2876, A bill to be entitled An Act relating to certificates of public convenience and necessity for water service and sewer service.

Amendment No. 1

Representative Callegari offered the following amendment to **CSHB 2876**:

Amend **CSHB 2876** (House Committee Printing) as follows:

(1) On page 4, lines 20-21, strike "legally binding commitment with landowners of sufficient available funds" and substitute "good faith effort".

(2) On page 5, lines 7-8, strike "damages, including reasonable fees," and substitute "reasonable fees".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 2876**:

Amend **CSHB 2867** on page 19, line 12, between "section" and the period, by inserting the following:

if the map meets filing requirements, does not exceed 11 inches by 17 inches in size, and is accompanied by the appropriate fee

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hope offered the following amendment to **CSHB 2876**:

Amend **CSHB 2876** as follows:

(1) On page 4, strike line 4 and substitute:

only to a municipality:

(1) with a population of more than 650,000; or

(2) with a population of 30,000 or more that is located in a county with a population of 275,000 or more that:

(A) is adjacent to a county with a population of 3.3 million or more; and

(B) contains part of a national forest.

(2) On page 10, line 6, strike "with a population of more than 650,000".

(3) On page 10, line 14, after the period, add:

This subsection applies only to a municipality:

(1) with a population of more than 650,000; or

(2) that is located in a county with a population of 275,000 or more that:

(A) is adjacent to a county with a population of 3.3 million or more; and

(B) contains part of a national forest.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative R. Cook offered the following amendment to **CSHB 2876**:

Amend **CSHB 2876** as follows:

On Page 14, Line 26, add new SECTION 10 to the bill to read as follows and renumber subsequent SECTIONS appropriately:

SECTION 10. Section 13.257(d), Water Code is amended to read as follows:

(d) The notice must be executed by the seller and read as follows: "The real property, described below, that you are about to purchase may be [is] located in a certificated [the] water or sewer service area [of _____], which is [the utility service provider] authorized by law to provide water or sewer service to the properties in the certificated area. If your property is located in a certificated area there [~~No other retail public utility is authorized to provide~~]

~~water or sewer service to your property. There~~] may be special costs or charges that you will be required to pay before you can receive water or sewer service. There may be a period required to construct lines or other facilities necessary to provide water or sewer service to your property. You are advised to determine if the property is in a certificated area and contact the utility service provider to determine the cost that you will be required to pay and the period, if any, that is required to provide water or sewer service to your property.

"The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in the notice or at closing of purchase of the real property.

Date

Signature of Purchaser

"~~(Note: Correct name of utility service provider is to be placed in the appropriate space.)~~] Except for notices included as an addendum to or paragraph of a purchase contract, the notice must be executed by the seller and purchaser, as indicated."

Amendment No. 4 was adopted.

Amendment No. 5

Representative Geren offered the following amendment to **CSHB 2876**:

Amend **CSHB 2876** by adding the following appropriately numbered section to the bill and renumbering the remaining sections of the bill as appropriate:

SECTION 5. Section 13.245(a), Water Code, is amended to read by adding Sections 13.245 and 13.2451 to read as follows:

Sec. 13.245 MUNICIPAL BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 500,000 or more.

SECTION 6. Section 13.246, Water Code, is amended by adding Subsection (i) to read as follows:

(i) A landowner is not entitled to make an election under Subsection (h) but is entitled to contest the inclusion of the landowner's property in the proposed service area at a hearing held by the commission regarding the application if the proposed service area is located within the boundaries or extraterritorial jurisdiction of a municipality with a population of more than 500,000 and the municipality or a utility owned by the municipality is the applicant.

SECTION 8. Section 13.247, Water Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to any other rights provided by law, a municipality with a population of more than 500,000 may exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, to acquire a substandard water or sewer system if all the facilities of the system are located entirely within the municipality's boundaries. The municipality shall pay just and adequate

compensation for the property. In this subsection, "substandard water or sewer system" means a system that is not in compliance with the municipality's standards for water and wastewater service.

SECTION 9. Section 13.254, Water Code, is amended by adding Subsections (a-2) to read as follows:

(a-2) A landowner is not entitled to make the election described in Subsection (a-1) but is entitled to contest the involuntary certification of its property in a hearing held by the commission if the landowner's property is located:

(1) within the boundaries of any municipality or the extraterritorial jurisdiction of a municipality with a population of more than 500,000 and the municipality or retail public utility owned by the municipality is the holder of the certificate; or

(2) in a platted subdivision actually receiving water or sewer service.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Hegar offered the following amendment to **CSHB 2876**:

Amend **CSHB 2876** as follows:

(1) On page 1, line 5, strike "Section 13.002(1), Water Code, is amended" and substitute "Section 13.002, Water Code, is amended by amending Subdivision (1) and adding Subdivision (10-a)".

(2) On page 1, between lines 15 and 16, insert the following:

(10-a) "Landowner," "owner of a tract of land," and "owners of each tract of land" includes multiple owners of a single deeded tract of land.

Amendment No. 6 was adopted.

CSHB 2876, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Zedler recorded voting no.)

CSHB 1795 ON SECOND READING

(by Crownover, Isett, Taylor, Eissler, Seaman, et al.)

CSHB 1795, A bill to be entitled An Act relating to the creation of health savings accounts for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their dependents.

Amendment No. 1

Representative Crownover offered the following amendment to **CSHB 1795**:

Amend **CSHB 1795** as follows:

On page ____, add SECTION ____ to read as follows:

During the initial implementation of Chapter 1551, Insurance Code, as amended by this Act, and notwithstanding other requirements set forth in Chapter 1551, an Advisory Council shall be created for the purpose of overseeing the design of the State Health Savings Account Program consisting of seven members including a non-voting ex-officio member, being the Executive Director of the Employees Retirement System of Texas.

The Governor of Texas shall designate a Chair to the Advisory Council in conjunction with appointing 3 members: Representative from the public sector, Representative from the private sector, and an Actuary, preferably having experience in the area of health savings accounts; the Lieutenant Governor of Texas shall appoint 2 members from the Texas Senate; and the Speaker of the Texas House of Representatives shall appoint 2 members from the Texas House of Representatives.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Pickett offered the following amendment to **CSHB 1795**:

Amend **CSHB 1795** (House Committee Printing) as follows:

(1) On page 12, line 15, between "PLANS." and "The program", insert "(a)".

(2) On page 12, between lines 16 and 17, insert the following:

(b) Notwithstanding any other provision of this subchapter, for the fiscal year beginning September 1, 2006, the deductible for a participant or the participant's covered dependents, as applicable, under a high deductible health plan may not exceed the minimum deductible allowed for a high deductible health plan under federal law. This subsection expires September 1, 2007.

(3) On page 16, between lines 4 and 5, insert the following:

(e) Notwithstanding any other provision of this subchapter, for the fiscal year beginning September 1, 2006, the board of trustees may not establish an annual state contribution under Subsection (a) that is less than one-half of the deductible for the high deductible health plan in which the participant or the participant's covered dependents, as applicable, are enrolled for the fiscal year beginning September 1, 2006. This subsection expires September 1, 2007.

(J. Keffer in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Dunnam on motion of Homer.

CSHB 1795 - (consideration continued)

Representative Crossover moved to table Amendment No. 2.

The motion to table prevailed.

A record vote was requested.

CSHB 1795, as amended, was passed to engrossment by (Record 599): 96 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hope; Howard; Hughes; Hupp; Isett; Jackson; Keel; Keffer, B.; King, P.; King, T.; Kolkhorst; Krusee; Laney; Laubenberg; Madden; McCall; McClendon; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Elkins; Farrar; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Hardcastle; Herrero; Homer; Hopson; Hunter; Jones, D.; Jones, J.; Kuempel; Leibowitz; Luna; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Thompson; Turner; Uresti; Veasey.

Present, not voting — Mr. Speaker; Keffer, J.(C).

Absent, Excused — Corte; Dunnam; Hodge.

Absent — Moreno, P.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 599. I intended to vote no.

Hochberg

I was shown voting yes on Record No. 599. I intended to vote no.

Rose

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Edwards requested permission for the Committee on Rules and Resolutions to meet while the house is in session at 7 p.m. today, in 2W.25, for a formal meeting, to consider the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 7 p.m. today, 2W.25, for a formal meeting, to consider the calendar.

CSHB 3333 ON SECOND READING
(by Chavez)

CSHB 3333, A bill to be entitled An Act relating to the sale or transfer of interest of real property to certain federally recognized Indian tribes.

Amendment No. 1

Representative Talton offered the following amendment to **CSHB 3333**:

Amend **CSHB 3333** as follows:

(1) On page 1, line 11, between "to" and "a" insert "abutting or adjoining landowners, including".

(2) On page 1, line 12, strike "on the Texas-Mexico border" and substitute "within counties of this state bordering the Republic of Mexico and that is not subject to the federal Indian Gaming Regulatory Act".

(3) On page 1, line 20, strike "on the Texas-Mexico border" and substitute "within counties of this state bordering the Republic of Mexico and that is not subject to the federal Indian Gaming Regulatory Act".

Amendment No. 1 was adopted.

CSHB 3333 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOWARD: Mr. Chavez, is it the intent of this legislation to purchase one particular piece of property?

REPRESENTATIVE CHAVEZ: Yes, there is land adjacent to the Indian reservation housing in El Paso that the Tigua tribe has been interested in. It has been vacated by the Texas Department of Transportation since 2001. The current statute doesn't allow the tribe to buy directly the property. It only allows public entities with the authority to condemn the property, as well as the general public. However, the federally recognized Tigua needs this legislation in order for them to purchase the property at appraised value.

REPRESENTATIVE HOWARD: The second question. It is not the intent of this legislation to allow Indian tribes, any Indian tribes, to purchase additional land for gambling. Is that correct?

REPRESENTATIVE CHAVEZ: Yes, that's correct. The intent is not to purchase for the purposes of Indian gaming property. The purpose is to purchase the property that is within the tribal reservation—in between a parking lot, in between residential housing— where the entire reservation of Tigua is.

REMARKS ORDERED PRINTED

Representative Howard moved to print remarks between Representative Chavez and Representative Howard.

The motion prevailed.

CSHB 3333, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Gallego on motion of Rodriguez.

CSHB 3071 ON SECOND READING (by Goodman)

CSHB 3071, A bill to be entitled An Act relating to the administration and collection of ad valorem taxes; making procedural and technical corrections and clarifications to the Tax Code, Property Code, and Civil Practice and Remedies Code.

Amendment No. 1

Representatives Rodriguez and Goodman offered the following amendment to **CSHB 3071**:

Amend **CSHB 3071** by inserting the following appropriately numbered sections and renumbering the subsequent sections of the bill accordingly:

SECTION __. Section 6.035(a), Tax Code, is amended to read as follows:

(a) An individual is ineligible to serve on an appraisal district board of directors and is disqualified from employment as chief appraiser if the individual:

(1) is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district; or

(2) owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless:

(A) the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Section 33.02; or

(B) a suit to collect the delinquent taxes is deferred, 33.061, or 33.065.

SECTION __. Section 6.412(a), Tax Code, is amended to read as follows:

(a) An individual is ineligible to serve on an appraisal review board if the individual:

(1) is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district for which the appraisal review board is established; or

(2) owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless:

(A) the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Section 33.02; or

(B) a suit to collect the delinquent taxes is deferred or abated under Section 33.06, ~~33.061~~, or 33.065.

SECTION __. Section 11.43, Tax Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) The form for an application under Section 11.13 must include a space for the applicant to state the applicant's date of birth. Failure to provide the date of birth does not affect the applicant's eligibility for an exemption under that section, other than an exemption under Section 11.13(c) or (d) for an individual 65 years of age or older.

(m) Notwithstanding Subsections (a) and (k), a person who receives an exemption under Section 11.13, other than an exemption under Section 11.13(c) or (d) for an individual 65 years of age or older, in a tax year is entitled to receive an exemption under Section 11.13(c) or (d) for an individual 65 years of age or older in the next tax year on the same property without applying for the exemption if the person becomes 65 years of age in that next year as shown by information in the records of the appraisal district that was provided to the appraisal district by the individual in an application for an exemption under Section 11.13 on the property or in correspondence relating to the property. This subsection does not apply if the chief appraiser determines that the individual is no longer entitled to any exemption under Section 11.13 on the property.

SECTION __. Subchapter A, Chapter 33, Tax Code, is amended by adding Section 33.045 to read as follows:

Sec. 33.045. NOTICE OF PROVISIONS AUTHORIZING DEFERRAL OR ABATEMENT. (a) A tax bill mailed by an assessor or collector under Section 31.01 and any written communication delivered to a property owner by an assessor or collector for a taxing unit or an attorney or other agent of a taxing unit that specifically threatens a lawsuit to collect a delinquent tax shall contain the following explanation in capital letters: "IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES".

(b) This section does not apply to a communication that relates to taxes that are the subject of pending litigation.

SECTION __. The heading to Section 33.06, Tax Code, is amended to read as follows:

Sec. 33.06. DEFERRED COLLECTION OF TAXES ON RESIDENCE HOMESTEAD OF ~~ELDERLY OR~~ DISABLED PERSON.

SECTION __. Sections 33.06(a) and (b), Tax Code, are amended to read as follows:

(a) An individual is entitled to defer collection of a tax, abate a suit to collect a delinquent tax, or abate a sale to foreclose a tax lien if ~~[the individual]~~:

(1) the individual ~~[is 65 years of age or older or]~~ is disabled as defined by Section 11.13(m); and

(2) the tax was imposed against property that the individual owns and occupies as a residence homestead.

(b) To obtain a deferral, an individual must file with the chief appraiser for the appraisal district in which the property is located an affidavit stating the facts required to be established by Subsection (a). The chief appraiser shall notify each taxing unit participating in the district of the filing. After an affidavit is filed under this subsection, a taxing unit may not file or threaten to file suit to collect delinquent taxes on the property or take other action against the individual to collect delinquent taxes on the property and the property may not be sold at a sale to foreclose the tax lien until the 181st day after the date the individual no longer owns and occupies the property as a residence homestead.

SECTION __. Subchapter A, Chapter 33, Tax Code, is amended by adding Section 33.061 to read as follows:

Sec. 33.061. AUTOMATIC DEFERRAL OR ABATEMENT OF COLLECTION OF TAXES ON RESIDENCE HOMESTEAD OF ELDERLY PERSON. (a) This section applies only to property that an individual who is 65 years of age or older owns and occupies as a residence homestead.

(b) A taxing unit may not file or threaten to file suit to collect delinquent taxes on the property or take other action against the individual to collect delinquent taxes on the property and the property may not be sold at a sale to foreclose the tax lien until the 181st day after the date the individual no longer owns and occupies the property as a residence homestead. This subsection does not prohibit a taxing unit or an attorney or other agent of a taxing unit from delivering to an individual a notice that delinquent taxes are owing on the individual's residence homestead.

(c) If property is sold in violation of this section, the property owner may file a motion to set aside the sale under the same cause number and in the same court as a judgment referenced in the order of sale. The motion must be filed during the applicable redemption period as set forth in Section 34.21. This right is not transferable to a third party.

(d) This section does not affect the duty of the assessor for the taxing unit to prepare and mail a bill for the taxes on the property as provided by Section 31.01. A tax lien remains on the property and interest continues to accrue during the period that collection of taxes is deferred or abated under this section. The annual interest rate during the period of deferral or abatement is eight percent instead of the rate provided by Section 33.01. Interest and penalties that accrued or that were incurred or imposed under Section 33.01 or 33.07 before the date the individual attained the age of 65 are preserved. A penalty under Section 33.01 is not incurred during a period of deferral or abatement. The additional penalty under Section 33.07 may be imposed and collected only if the taxes for which collection is deferred or abated remain delinquent on or after the 181st day after

the date the period of deferral or abatement expires. A plea of limitation, laches, or want of prosecution does not apply against the taxing unit because of a deferral or abatement of collection under this section.

(e) Each year the chief appraiser for each appraisal district shall publicize in a manner reasonably designed to notify all residents of the district or county of the provisions of this section.

(f) For the first tax year that an individual who qualifies for a deferral or abatement under this section or a person acting on behalf of the individual fails to pay the taxes on the property before the delinquency date, the collector for the taxing unit, not later than the 15th day after the date the taxes become delinquent, shall mail the individual a notice in the following form:

"Dear Property Owner:

"The records of (name of taxing unit) indicate that the (tax year) property taxes on your home were not paid before the delinquency date. The law entitles you to an automatic deferral or abatement of those taxes. This means that the governmental entities that impose property taxes on your home may not sue you, threaten to sue you, sell your home at a tax sale, or take any other action to collect the delinquent taxes if you elect not to pay them for as long as you continue to own and occupy your home. Your unpaid taxes will accrue interest at the rate of eight percent per year, and the entire amount will become due and payable once you cease to own or occupy the home.

"You have the right to waive this deferral or abatement by filing a signed statement with the chief appraiser of the (name of county) appraisal district stating that you elect not to receive the deferral or abatement.

"Whether you choose to waive the deferral or abatement, you may pay your property taxes voluntarily in any year. (Name of taxing unit) will continue to mail you a tax bill each year so that you will know your tax liability. If your home is subject to a mortgage or deed of trust, you should consult with your mortgage lender or the beneficiary under your deed of trust before you elect to accept or waive the deferral or abatement. Failure to pay taxes timely may violate your mortgage or deed of trust.

"If you have any questions about this notice, please call or write us. You may also contact the state comptroller's property tax division at (current telephone number for the comptroller's property tax division)."

(g) A taxing unit shall include in a notice under Subsection (f) its name, address, and telephone number and any information necessary to identify the property but may not include any other information. The collector for a taxing unit who mails a notice under Subsection (f) to an individual who qualifies for a deferral or abatement under this section and whose taxes on the property for a tax year are not paid before the delinquency date may mail a notice as provided by Subsection (f) for any subsequent tax year for which the individual's taxes on the property are not paid before that date.

(h) If an individual who is 65 years of age or older dies, the deferral or abatement of the collection of taxes on the property continues in effect until the 181st day after the date the surviving spouse of the individual no longer owns and occupies the property as a residence homestead if:

(1) the property was the residence homestead of the deceased spouse when the deceased spouse died;

(2) the surviving spouse was 55 years of age or older when the deceased spouse died; and

(3) the property was the residence homestead of the surviving spouse when the deceased spouse died.

(i) An individual may elect not to receive a deferral or abatement under this section. An individual who elects not to receive the deferral or abatement shall file with the chief appraiser for the appraisal district in which the property is located a written statement signed by the individual affirmatively stating that the individual elects not to receive the deferral or abatement. The election is effective on the date the chief appraiser receives the individual's written statement. The chief appraiser shall notify each taxing unit participating in the district of the individual's election.

SECTION __. Section 33.43(a), Tax Code, is amended to read as follows:

(a) A petition initiating a suit to collect a delinquent property tax is sufficient if it alleges that:

(1) the taxing unit is legally constituted and authorized to impose and collect ad valorem taxes on property;

(2) tax in a stated amount was legally imposed on each separately described property for each year specified and on each person named if known who owned the property on January 1 of the year for which the tax was imposed;

(3) the tax was imposed in the county in which the suit is filed;

(4) the tax is delinquent;

(5) penalties, interest, and costs authorized by law in a stated amount for each separately assessed property are due;

(6) the taxing unit is entitled to recover each penalty that is incurred and all interest that accrues on delinquent taxes imposed on the property from the date of the judgment to the date of the sale under Section 34.01 or under Section 253.010, Local Government Code, as applicable, if the suit seeks to foreclose a tax lien;

(7) the person sued owned the property on January 1 of the year for which the tax was imposed if the suit seeks to enforce personal liability;

(8) the person sued owns the property when the suit is filed if the suit seeks to foreclose a tax lien;

(9) the taxing unit asserts a lien on each separately described property to secure the payment of all taxes, penalties, interest, and costs due if the suit seeks to foreclose a tax lien;

(10) all things required by law to be done have been done properly by the appropriate officials; ~~and~~

(11) the attorney signing the petition or a person acting on the attorney's behalf has reviewed the records of the taxing unit or appraisal district and that the records reviewed do not show that the property described in the petition is the residence homestead of a person who is disabled or 65 years of age or older; and

(12) the attorney signing the petition is legally authorized to prosecute the suit on behalf of the taxing unit.

SECTION __. Section 403.302(d), Government Code, is amended to read as follows:

(d) For the purposes of this section, "taxable value" means the market value of all taxable property less:

(1) the total dollar amount of any residence homestead exemptions lawfully granted under Section 11.13(b) or (c), Tax Code, in the year that is the subject of the study for each school district;

(2) one-half of the total dollar amount of any residence homestead exemptions granted under Section 11.13(n), Tax Code, in the year that is the subject of the study for each school district;

(3) the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(4) subject to Subsection (e), the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone created on or before May 31, 1999, or is proposed to be included within the boundaries of a reinvestment zone as the boundaries of the zone and the proposed portion of tax increment paid into the tax increment fund by a school district are described in a written notification provided by the municipality or the board of directors of the zone to the governing bodies of the other taxing units in the manner provided by Section 311.003(e), Tax Code, before May 31, 1999, and within the boundaries of the zone as those boundaries existed on September 1, 1999, including subsequent improvements to the property regardless of when made;

(B) generates taxes paid into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, on or before September 1, 1999; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(5) the total dollar amount of any exemptions granted under Section 11.251, Tax Code;

(6) the difference between the comptroller's estimate of the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value estimated by the comptroller may not exceed the fair market value of the land;

(7) the portion of the appraised value of residence homesteads of individuals who receive a tax limitation under Section 11.26, Tax Code, on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(8) a portion of the market value of property not otherwise fully taxable by the district at market value because of:

(A) action required by statute or the constitution of this state that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property, if this subsection does not otherwise require that portion to be deducted; or

(B) action taken by the district under Subchapter B or C, Chapter 313, Tax Code;

(9) the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(10) the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06 or 33.061, Tax Code;

(11) the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code; and

(12) the amount by which the market value of a residence homestead to which Section 23.23, Tax Code, applies exceeds the appraised value of that property as calculated under that section.

SECTION __. Section 11.43(m), Tax Code, as added by this Act, applies only to eligibility for an exemption from ad valorem taxation under Section 11.13(c) or (d), Tax Code, for an individual 65 years of age or older for a tax year beginning on or after January 1, 2006.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Villarreal offered the following amendment to **CSHB 3071**:

Amend **CSHB 3071** as follows:

On page __, after line __, insert the following appropriately numbered sections:

Section 1. Section 6.02(a), Tax Code, is amended to read as follows:

The [(a) Except as otherwise provided by this section, the] appraisal district's boundaries are the same as the county's boundaries. This section does not preclude the boards of directors of two or more adjoining appraisal districts from providing for the operation of a consolidated appraisal district by interlocal contract.

SECTION 2. Section 41.097(a), Education Code, is amended to read as follows:

(a) The total amount required under Section 41.093 for a district to purchase attendance credits under this subchapter for any school year is reduced by an amount equal to the product of the district's total costs under Section 6.06, Tax Code, for the ~~[central]~~ appraisal district or districts in which it participates multiplied by a percentage that is computed by dividing the total amount required under Section 41.093 by the total amounts of taxes imposed in the district for that year less any amount paid into a tax increment fund under Chapter 311, Tax Code.

SECTION 3. Section 41.210(b), Education Code, is amended to read as follows:

(b) As soon as practicable after the detachment and annexation of property, the chief appraiser of the appraisal district in which the property is located [~~for the school district from which the property is detached~~] shall send a written notice of the detachment and annexation to the owner of any property taxable in a different school district as a result of the detachment and annexation. The notice must include the name of the school district by which the property is taxable after the detachment and annexation.

SECTION 4. The following statutes are repealed:

- (1) Section 13.007, Education Code;
- (2) Sections 6.02(b)-(g), Tax Code;
- (3) Section 6.025, Tax Code; and
- (4) Section 6.03(m), Tax Code.

SECTION 5. (a) The changes in law made by this Act relating to the appraisal of property for ad valorem tax purposes apply only to the appraisal of property for a tax year that begins on or after January 1, 2006.

(b) The term of each appraisal district director in an appraisal district described by Section 6.025, Tax Code, as that law existed immediately before September 1, 2005, serving a staggered term that but for this subsection would expire after January 1, 2006, expires on January 1, 2006. The appraisal district board of directors shall fill the vacant directorships as soon as practicable after January 1, 2006, as provided by Section 6.03(1), Tax Code.

(c) Notwithstanding Section 6.03, Tax Code, a taxing unit is entitled to vote in 2005 for appraisal district directors for terms beginning on January 1, 2006, in each appraisal district in which the taxing unit will participate in 2006 under the law as amended by this Act. The voting entitlement of each taxing unit entitled to vote for directors in 2005 is determined for each appraisal district by dividing the total dollar amount of property taxes imposed by the taxing unit for the 2004 tax year in the county for which the appraisal district is established by the sum of the total dollar amount of property taxes imposed in that county for that year by each taxing unit that is entitled to vote for directors of that appraisal district under this subsection in 2005, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit located in two or more counties is entitled to vote in the appraisal district established for each county in which it is located, but only the taxes imposed in 2004 in the county for which a district is established are used to calculate the 2005 voting entitlement in that district.

(d) Notwithstanding Section 6.06, Tax Code, not later than September 15, 2005, the chief appraiser of each appraisal district shall revise the proposed 2006 budget for the district, if necessary, to account for the changes in law made by this Act.

(e) Notwithstanding Section 6.06, Tax Code, for the 2006 tax year, each taxing unit participating in an appraisal district in 2006 is allocated a portion of the amount of the 2006 budget for the district equal to the proportion that the total dollar amount of property taxes imposed in the county for which the district is

established by the unit for the 2005 tax year bears to the sum of the total dollar amount of property taxes imposed in the county by each participating unit for that year. If a taxing unit participates in two or more appraisal districts in 2006, only the 2005 taxes imposed in the county for which a district is established are used to calculate the unit's cost allocations for 2006 in that district.

SECTION 6. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2006.

(b) Section___ of this Act [beginning on page 2, line 11 of this amendment] takes effect September 1, 2005.

Amendment No. 2 was adopted.

CSHB 3071, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2030 ON SECOND READING (by Nixon)

HB 2030, A bill to be entitled An Act relating to defining residency for purposes of eligibility to hold or be a candidate for public office.

(Speaker in the chair)

Amendment No. 1

Representative Nixon offered the following amendment to **HB 2030**:

Amend **HB 2030** as follows:

(1) On page 1, strike lines 21-24.

(2) On page 2, line 1, strike "(d)" and substitute "(c)".

(3) On page 2, strike lines 7-8 and substitute "exemption;".

(4) On page 2, strike lines 14-24 and substitute the following:

(3) at that time or during that period, the person identifies the address of a residence outside the territory as the person's residence address, or fails to identify the address of a residence inside the territory as the person's residence address if required to identify the person's residence address, on any of the following:

(A) a tax return, application, notice, or other document related to taxes that the person files with or delivers to a governmental entity in accordance with law; or

(B) an application, report, or other document that the person submits in accordance with law or is required by law to submit to:

(i) a governmental entity for any purpose; or

(ii) a political party in connection with the person's status as a candidate for public office.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hilderbran offered the following amendment to **HB 2030**:

Amend **HB 2030** by adding the following appropriately numbered section to the bill and renumbering the remaining sections appropriately:

SECTION _____. (a) Section 141.001(a), Election Code, is amended to read as follows:

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

- (1) be a United States citizen;
- (2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;
- (3) have not been determined mentally incompetent by a final judgment of a court;
- (4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;
- (5) have resided continuously in the state for two years [~~+2 months~~] and in the territory from which the office is elected for one year [~~six months~~] immediately preceding the following date:

(A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made; [~~end~~]

(6) not have been convicted of an offense under Section 141.040 in the previous 24 months; and

(7) satisfy any other eligibility requirements prescribed by law for the office.

(b) Section 141.002(a), Election Code, is amended to read as follows:

(a) Instead of the one year [~~six-month~~] residence requirement prescribed by Section 141.001(a)(5), a candidate for or appointee to a precinct office must be a resident of the precinct on the date prescribed by Section 141.001(a)(5) and must have resided continuously in the county in which the precinct is located for one year [~~six-months~~] immediately preceding that date if an order creating the precinct or changing the boundary of the precinct:

- (1) was adopted less than 13 [~~seven~~] months before that date; or
- (2) was in litigation at any time during the 13th [~~seventh~~] month immediately preceding that date.

(c) Section 141.003, Election Code, is amended to read as follows:

Sec. 141.003. AGE AND RESIDENCE REQUIREMENTS FOR HOME-RULE CITY OFFICE. (a) Different age and residence requirements from those prescribed by Section 141.001 may be prescribed by a home-rule city

charter, but a minimum age may not be more than 21 years and a minimum length of residence in the state or city may not be more than two years [~~12 months~~] immediately preceding election day.

(b) A charter provision is void if it prescribes a minimum age requirement of more than 21 years or a minimum length of residence requirement of more than two years [~~12 months~~].

(d) Section 141.031, Election Code, is amended to read as follows:

Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. A candidate's application for a place on the ballot that is required by this code must:

(1) be in writing;

(2) be signed and sworn to by the candidate and indicate the date that the candidate swears to the application;

(3) be timely filed with the appropriate authority; and

(4) include:

(A) the candidate's name;

(B) the candidate's occupation;

(C) the office sought, including any place number or other distinguishing number;

(D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;

(E) a statement that the candidate is a United States citizen;

(F) a statement that the candidate has not been determined mentally incompetent by a final judgment of a court;

(G) a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities;

(H) the candidate's date of birth;

(I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;

(J) the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;

(K) the statement: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the constitution and laws of the United States and of the State of Texas"; [~~and~~]

(L) a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code; and

(M) the statement: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I am not currently violating the constitution or laws of the United States and of the State of Texas."

(e) Subchapter B, Chapter 141, Election Code, is amended by adding Section 141.040 to read as follows:

Sec. 141.040. PROVIDING FALSE INFORMATION ON APPLICATION.

(a) A person commits an offense if the person knowingly provides false information on an application for a place on the ballot.

(b) An offense under this section is a Class A misdemeanor.

(f) The changes in law made by this section apply only to the eligibility requirements for a candidate whose term of office will begin on or after the effective date of this Act. The eligibility requirements for a candidate whose term of office will begin before the effective date of this Act are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Zedler offered the following amendment to **HB 2030**:

Amend **HB 2030** on page 2, between lines 23 and 24 by inserting a new Subsection (e) to read as follows:

(e) Subsection (d)(1) does not apply for a period of one year following the election of a person to an office elected by district if:

(1) the person previously met the residency requirements for election in the district; and

(2) the person no longer meets the requirements as a result of the redrawing of districts used to elect members to the legislature or the governing body of a political subdivision.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Grusendorf offered the following amendment to **HB 2030**:

Amend **HB 2030** on page 2, line 15, by inserting "other than the person's business address" between "residence" and "outside"

Amendment No. 4 was adopted.

A record vote was requested.

The vote of the house was taken on passage to engrossment of **HB 2030** and the vote was announced yeas 65, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 600): 68 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bonnen; Brown, B.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Grusendorf; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hope; Howard; Hunter; Hupp; Jackson; Keel; Keffer, B.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Miller; Morrison; Nixon; Orr; Otto;

Paxton; Phillips; Pitts; Raymond; Reyna; Riddle; Seaman; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Uresti; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Bohac; Brown, F.; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric; Hegar; Hill; Hochberg; Homer; Hopson; Hughes; Jones, D.; Jones, J.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; Merritt; Moreno, P.; Mowery; Naishtat; Noriega, M.; Oliveira; Pickett; Puente; Quintanilla; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solis; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Dunnam; Gallego; Hodge.

Absent — Branch; Dutton; Herrero; Isett; Keffer, J.; McClendon; Menendez; Olivo; Peña; Smithee.

The speaker stated that **HB 2030**, as amended, passed to engrossment by the above vote.

STATEMENT OF VOTE

When Record No. 600 was taken, I was temporarily out of the house chamber. I would have voted no.

Herrero

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Branch on motion of Homer.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Peña on motion of Deshotel.

CSHB 2593 ON SECOND READING

(by **Baxter**)

CSHB 2593, A bill to be entitled An Act relating to the TexasOnline project, the TexasOnline Authority, and related powers and fees.

Representative Baxter moved to postpone consideration of **CSHB 2593** until 10 a.m. tomorrow.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Denny requested permission for the Committee on Elections to meet while the house is in session at 6:45 p.m. today, in 3W.9, for a formal meeting, to consider **SB 427** and **SB 1052**.

Permission to meet was granted.

Representative Flores requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session at 7 p.m. today, in 3W.9, for a formal meeting.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Elections, 6:45 p.m. today, 3W.9, for a formal meeting, to consider **SB 427** and **SB 1052**.

Elections, public hearing posted for upon adjournment today, is cancelled.

Licensing and Administrative Procedures, 7 p.m. today, 3W.9, for a formal meeting, to consider **SB 269**, **SB 381**, **SB 382**, **SB 443**, **SB 624**, **SB 1255**, **SB 1626**, and **SB 1246**.

HB 2988 ON SECOND READING

(by Nixon)

HB 2988, A bill to be entitled An Act relating to waiver of sovereign immunity.

HB 2988 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2702 ON SECOND READING

(by Krusee)

CSHB 2702, A bill to be entitled An Act relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of rail and highway transportation facilities in this state.

Amendment No. 1

Representative Krusee offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** on page 2 by striking lines 7-11 and substituting:

(c) Subsection (b) does not apply to money appropriated or allocated:

(1) for a fixed rail guideway system constructed by a transit authority described by Chapter 451, a transportation authority described by Chapter 452 or 460, or a transit department described by Chapter 453; or

(2) for use by:

(A) a port authority or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution; or

(B) a district created under Chapter 623, Acts of the 67th Legislature, Regular Session, 1981 (Article 6550c, Vernon's Texas Civil Statutes).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Krusee offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** as follows:

(1) Strike SECTION 5 of the bill (page 3, line 25 through page 4, line 3) and renumber subsequent SECTIONS accordingly.

(2) On page 7, line 17, strike "Subsections (d) and (e)" and substitute "Subsection (d)".

(3) Strike page 7, lines 18-26.

(4) On page 7, line 27, strike "(e)" and substitute "(d)".

(5) Strike SECTION 28 of the bill (page 20, line 22, through page 21, line 5) and renumber subsequent SECTIONS accordingly.

(6) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

SECTION __. Section 25.06, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to:

(1) any portion of a facility owned by the Texas Department of Transportation that is part of the Trans-Texas Corridor, is a rail facility or system, or is a highway in the state highway system and that is licensed or leased to a private entity by that department under Chapter 91, 227, or 361, Transportation Code; or

(2) a leasehold or other possessory interest granted by the Texas Department of Transportation in a facility owned by that department that is part of the Trans-Texas Corridor, is a rail facility or system, or is a highway in the state highway system.

SECTION __. Section 25.07, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) Subsection (a) does not apply to:

(1) any portion of a facility owned by the Texas Department of Transportation that is part of the Trans-Texas Corridor, is a rail facility or system, or is a highway in the state highway system and that is licensed or leased to a private entity by that department under Chapter 91, 227, or 361, Transportation Code; or

(2) a leasehold or other possessory interest granted by the Texas Department of Transportation in a facility owned by that department that is part of the Trans-Texas Corridor, is a rail facility or system, or is a highway in the state highway system.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Krusee offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** on page 5, lines 8 and 9, by striking "entity designated by an agency of the United States without monetary consideration" and substituting "appropriate public agency or private entity, with or without monetary consideration,".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Krusee offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** as follows:

(1) On page 6, lines 3 and 4, strike "severed tract or either part of the" and substitute "remainder or any part of a".

(2) On page 6, line 5, strike "The" and substitute "Except as provided by Subsection (f), the".

(3) On page 6, lines 12 and 13, strike "Subsection (a)" and substitute "Section 203.051, if the acquisition severs an owner's real property".

(4) On page 7, between lines 10 and 11, insert:

(f) The department is not required to make an offer on a remainder under Subsection (a) if an appraisal or environmental investigation indicates the presence of hazardous materials or substances.

(5) On page 12, line 7, strike "the severed tract" and substitute "a severed tract".

(6) On page 12, lines 15 and 16, strike "Subsection (a)" and substitute "Section 227.041, if the acquisition severs an owner's real property".

(7) On page 26, strike lines 22 through 25.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Krusee offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** as follows:

(1) On page 17, line 19, between "revenue" and "collected" insert "or other revenue derived from a turnpike project that is".

(2) On page 17, line 20, between "chapter" and the colon insert "and any payment received by the department under a comprehensive development agreement for a turnpike project".

Amendment No. 5 was adopted.

(Dunnam now present)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, tonight's public hearing is cancelled.

CSHB 2702 - (consideration continued)

Amendment No. 6

Representative Harper-Brown offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** as follows:

(1) At page 7, line 11, of the committee substitute, insert a new SECTION 11 to read as follows, and renumber subsequent sections accordingly:

"SECTION 11. Section 203.092, Transportation Code, is amended as follows:

(a) A utility shall make a relocation of a utility facility at the expense of this state if:

(1) relocation of the utility facility is required by improvement of a highway in this state established by appropriate authority as part of the National System of Interstate and Defense Highways and the relocation is eligible for federal participation; ~~[or]~~

(2) relocation of the utility facility is required by improvement of any segment of the state highway system and the utility has a compensable property interest in the land occupied by the facility to be relocated; or

(3) relocation of the utility facility is required by any improvement, extension, or expansion of the state highway system that has been designated or is converted to a toll project, rail facility, turnpike project, or system as defined in any title under this code, regardless of the timing of the conversion.

(b) By agreement with the utility the department may relocate the utility facility in accordance with this section.

(c) Subsection (a) includes a relocation for an extension of a highway in an urban area.

(d) The cost of relocation includes the entire amount paid by the utility properly attributable to the relocation less:

(1) any increase in the value of the new facility;

(2) the salvage value derived from the old facility; and

(3) any other deduction established by regulations for federal cost participation.

(e) To the extent any public utility was not reimbursed previously for the relocation, removal, or adjustment of public utility facilities on, across, or along the toll project, rail facility, turnpike project, or system as provided in subsection (a), any entity to which the project, facility, or system is to be transferred shall reimburse the public utility."

Amendment No. 7

Representative Harper-Brown offered the following amendment to Amendment No. 6:

Amend Floor Amendment No. 6 by Harper-Brown to **CSHB 2702** as follows:

(1) Strike page 1, line 22, and substitute "if the relocation was begun not later than one year before the date of the designation or conversion.

(2) On page 1, at the end of line 38, add "This subsection applies only to a relocation, removal, or adjustment that was begun one year before the date of the transfer."

Amendment No. 7 was adopted.

Amendment No. 6, as amended, was adopted.

Amendment No. 8

Representatives Kolkhorst, R. Cook, and Hegar offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** as follows:

(1) On page 9, line 7, strike "227.032 and 227.033" and substitute "227.032, 227.033, and 227.034".

(2) On page 10, between lines 23 and 24, insert:

Sec. 227.034. PROHIBITION AGAINST LIMITING CONSTRUCTION OF TRANSPORTATION PROJECTS. (a) A contract for the acquisition, construction, maintenance, or operation of a facility on the Trans-Texas Corridor may not contain a provision that limits or prohibits construction or operation of a highway or other transportation project that is:

(1) included in the unified transportation program of the department;

(2) a project of a local government; or

(3) constructed or operated for the safety of pedestrian or vehicular traffic.

(b) In this section, "transportation project" has the meaning assigned by Section 370.003.

Amendment No. 8 was adopted.

Amendment No. 9

Representatives Hegar, Kolkhorst, and R. Cook offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** on page 13, line 9, by striking "the" and substituting "each".

Amendment No. 9 was adopted.

Amendment No. 10

Representatives Hegar, Kolkhorst, and R. Cook offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** on page 19 as follows:

(1) On line 14, strike "(c), (d), and (e)" and substitute "(c), (d), (e), and (f)".

(2) Between lines 24 and 25, insert:

(f) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Elkins offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** on page 28, line 27, by striking "and 370.163(b)" and substituting "370.163(b), and 542.202(b)(3)".

Amendment No. 12

Representative Isett offered the following amendment to Amendment No. 11:

Amend the Elkins Amendment to **CSHB 2702** by adding the following sections and renumbering the subsequent sections appropriately.

SECTION __ The heading to Section 542.203, Transportation Code, is amended to read as follows:

Sec. 542.203. LIMITATIONS [~~LIMITATION~~] ON LOCAL AUTHORITIES.

SECTION __ Section 542.203, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A local authority may not implement or operate a photographic traffic signal enforcement system with respect to a highway under its jurisdiction. The attorney general shall enforce this subsection.

(e) In this section, "photographic traffic signal enforcement system" means a system that:

(1) consists of a camera system and vehicle sensor installed to exclusively work in conjunction with an electrically operated traffic-control signal;

(2) is capable of producing one or more recorded photographic or digital images that depict the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal; and

(3) is designed to enforce compliance with the instructions of the traffic-control signal by imposition of a civil or administrative penalty against the owner of the motor vehicle.

SECTION __ Section 542.202(b)(3), Transportation Code, is repealed.

Amendment No. 12 was adopted.

Amendment No. 11, as amended, was adopted.

Amendment No. 13

Representative Phillips offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by striking SECTION 27 of the bill (page 20, lines 3-21), and substitute the following:

SECTION 27. Section 361.3022, Transportation Code, is amended by adding Subsections (e-1) and (e-2) and amending Subsections (f), (i), and (j) to read as follows:

(e-1) Notwithstanding the requirements of this section, the department may prequalify a private entity to submit a detailed proposal to provide services under a design-build contract. The department is not required to publish a request under Subsection (c) for a design-build contract, and may enter into a design-build contract based solely on an evaluation of detailed proposals submitted in response to a request under Subsection (f) by prequalified private entities. The commission shall adopt rules establishing criteria for the prequalification of a private entity that include the precertification requirements applicable to

providers of engineering services and the qualification requirements for bidders on highway construction contracts. Rules for design-build projects adopted pursuant to this subsection shall also provide for an expedited selection process less costly to proposers, reasonable bonding requirements, appropriate sharing of risks, and incentives for proposers to develop innovative ideas.

(e-2) In this section, "design-build contract" means a comprehensive development agreement that includes the design and construction of a turnpike project, does not include the financing of a turnpike project, and may include the acquisition, maintenance, or operation of a turnpike project.

(f) The department shall issue a request for detailed proposals from all private entities qualified under Subsection (e) or (e-1) if the department proceeds with the further evaluation of a proposed project. A request under this subsection may require additional information relating to:

- (1) the private entity's qualifications and demonstrated technical competence;
- (2) the feasibility of developing the project as proposed;
- (3) detailed engineering or architectural designs;
- (4) the private entity's ability to meet schedules;
- (5) costing methodology; or
- (6) any other information the department considers relevant or necessary.

(i) The department may enter into negotiations [~~discussions~~] with the private entity whose proposal offers the apparent best value for the purpose of establishing the final terms of a comprehensive development agreement. [~~The discussions shall be limited to:~~

~~[(1) incorporation of aspects of other proposals for the purpose of achieving the overall best value for the department;~~

~~[(2) clarifications and minor adjustments in scheduling, cash flow, and similar items; and~~

~~[(3) matters that have arisen since the submission of the proposal.]~~

(j) If at any point in negotiations [~~discussions~~] under Subsection (i) [7] it appears to the department that the highest ranking proposal will not provide the department with the overall best value, the department may enter into negotiations [~~discussions~~] with the private entity submitting the next-highest ranking proposal.

Amendment No. 13 was adopted. (Hegar, Keel, and Kolkhorst recorded voting no.)

Amendment No. 14

Representatives Hegar, Kolkhorst, and R. Cook offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Subchapter A, Chapter 227, Transportation Code, is amended by adding Section 227.004 to read as follows:

Sec. 227.004. REPORTS. (a) The department shall periodically prepare reports detailing:

(1) the reasons for the immediate and future needs for each mode of transportation in each segment of a Trans-Texas Corridor project; and

(2) the reasonableness and necessity for each mode of transportation in each segment of a Trans-Texas Corridor project in the report.

(b) Not later than the seventh day before the date the department submits a Tier 1 environmental impact statement and not later than the 90th day before the department submits a Tier 2 environmental impact statement to the federal government for any segment of a Trans-Texas Corridor route, the department shall:

(1) post the most recent applicable report required by Subsection (a) on the department's Internet website; and

(2) provide a copy of the report to each state senator or representative who represents all or part of the area in which the segment of the route is located and the commissioners court of each county in which the segment of the route is located.

Amendment No. 14 was adopted.

Amendment No. 15

Representatives R. Cook, Hegar, and Kolkhorst offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 227, Transportation Code, is amended by adding Section 227.0415 to read as follows:

Sec. 227.0415. DEVELOPMENT RIGHTS. (a) In connection with the acquisition of property located in an existing or planned segment of the Trans-Texas Corridor for the purpose of providing a location for an ancillary facility, the owner of the property to be acquired may elect to retain the right to develop the property in accordance with the department's development plans. If more than one person owns an interest in the property, the election under this subsection must be made by unanimous written consent of all persons who own an interest in the property.

(b) If the owner does not develop the property within the time period set out in the department's development plans, the department may acquire the development rights for the property by purchase or condemnation.

(c) Property that is developed by the owner under this section is not exempt from ad valorem taxation and is subject to local zoning regulations and building standards.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Phillips offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbers SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION __. Subchapter A, Chapter 284, Transportation Code, is amended by adding Section 284.011 to read as follows:

Sec. 284.011. TRANSFER OF ASSETS. (a) A county, acting through the commissioners court of the county, may submit a request to the commission for authorization to create a regional mobility authority under Chapter 370 and to transfer all projects under this chapter to the regional mobility authority if:

(1) the creation of the regional mobility authority and transfer of projects is not prohibited under the bond proceedings applicable to the projects;

(2) adequate provision has been made for the assumption by the regional mobility authority of all debts, obligations, and liabilities of the county arising out of the transferred projects; and

(3) the commissioners courts of any additional counties to be part of the regional mobility authority have approved the request.

(b) The county may submit to the commission a proposed structure for the initial board of directors of the regional mobility authority and a method for appointment to the board of directors at the creation of the regional mobility authority. Subsequent appointments to the board of directors are subject to the requirements of Subchapter F, Chapter 370.

(c) After commission authorization, the county may transfer each of its projects under this chapter to the regional mobility authority to the extent authorized by the Texas Constitution if property and contract rights in the projects and bonds issued for the projects are not affected unfavorably.

(d) The commission shall adopt rules governing the creation of a regional mobility authority and the transfer of projects under this section.

SECTION __. Section 366.004(a), Transportation Code, is amended to read as follows:

Sec. 366.004. CONSTRUCTION COSTS DEFINED. (a) The cost of acquisition, construction, improvement, extension, or expansion of a turnpike project or system under this chapter includes the cost of:

(1) the actual acquisition, construction, improvement, extension, or expansion of the turnpike project or system;

(2) the acquisition of real property, rights-of-way, property rights, easements, and other interests in real property;

(3) machinery and equipment;

(4) interest payable before, during, and after acquisition, construction, improvement, extension, or expansion as provided in the bond proceedings;

(5) traffic estimates, revenue estimates, engineering and legal services, plans, specifications, surveys, appraisals, construction cost estimates, and other expenses necessary or incidental to determining the feasibility of the construction, improvement, extension, or expansion;

(6) necessary or incidental administrative, legal, and other expenses;

(7) compliance with laws, regulations, and administrative rulings;

(8) financing; ~~and~~

(9) the assumption of debts, obligations, and liabilities of an entity relating to a turnpike project or system transferred to an authority by that entity; and

(10) [(9)] expenses related to the initial operation of the turnpike project or system.

SECTION __. Section 366.033, Transportation Code, is amended by adding Subsection (k) to read as follows:

(k) An authority, acting through its board, may agree with another entity to acquire a turnpike project or system from that entity, and to assume any debts, obligations, and liabilities of the entity relating to a turnpike project or system transferred to the authority.

SECTION __. Subchapter B, Chapter 366, Transportation Code, is amended by adding Section 366.036 to read as follows:

Sec. 366.036. TRANSFER OF TURNPIKE PROJECT OR SYSTEM. (a) An authority may transfer any of its turnpike projects or systems to one or more local governmental entities if:

(1) the authority has commitments from the governing bodies of the local governmental entities to assume jurisdiction over the transferred projects or systems;

(2) property and contract rights in the transferred projects or systems and bonds issued for the projects or systems are not affected unfavorably;

(3) the transfer is not prohibited under the bond proceedings applicable to the transferred projects or systems;

(4) adequate provision has been made for the assumption of all debts, obligations, and liabilities of the authority relating to the transferred projects or systems by the local governmental entities assuming jurisdiction over the transferred projects or systems;

(5) the local governmental entities are authorized to assume jurisdiction over the transferred projects or systems, and to assume the debts, obligations, and liabilities of the authority relating to the transferred projects or systems; and

(6) the transfer has been approved by the commissioners court of each county that is part of the authority.

(b) An authority may transfer to one or more local governmental entities any traffic estimates, revenue estimates, plans, specifications, surveys, appraisals, and other work product developed by the authority in determining the feasibility of the construction, improvement, extension, or expansion of a turnpike project or system, and the authority's rights and obligations under any related agreements, if the requirements of Subsection (a)(1) and (6) are met.

(c) A local governmental entity shall, using any lawfully available funds, reimburse any expenditures made by an authority from its feasibility study fund or otherwise pay the costs of work product transferred to the local governmental entity under Subsection (b), and any other amounts expended under related agreements transferred to the local governmental entity. The reimbursement may be made over time, as determined by the local governmental entity and the authority.

SECTION __. Section 370.003, Transportation Code, is amended by amending Subdivision (14) and adding Subdivisions (16), (17), (18), and (19) to read as follows:

(14) "Transportation project" means:

(A) a turnpike project;

(B) a system;

(C) a passenger or freight rail facility, including:

(i) tracks;

(ii) a rail line;

(iii) switching, signaling, or other operating equipment;

(iv) a depot;

(v) a locomotive;

(vi) rolling stock;

(vii) a maintenance facility; and

(viii) other real and personal property associated with a rail

operation;

(D) a roadway with a functional classification greater than a local road or rural minor collector;

(E) a ferry;

(F) an airport;

(G) a pedestrian or bicycle facility;

(H) an intermodal hub;

(I) an automated conveyor belt for the movement of freight;

(J) a border crossing inspection station;

(K) an air quality improvement initiative;

(L) a public utility facility; ~~and~~

(M) a transit system; and

(N) if applicable, projects and programs listed in the most recently approved state implementation plan for the area covered by the authority, including an early action compact.

(16) "Mass transit" means the transportation of passengers and hand-carried packages or baggage of a passenger by any means of surface, overhead, or underground transportation, other than an aircraft or taxicab.

(17) "Service area" means the county or counties in which an authority or transit provider has established a transit system.

(18) "Transit provider" means an entity that provides mass transit for the public and that was created under Chapter 451, 452, 453, 454, 457, 458, or 460.

(19) "Transit system" means:

(A) property owned or held by an authority for mass transit purposes; and

(B) facilities necessary, convenient, or useful for:

(i) the use of or access to mass transit by persons or vehicles;

or

(ii) the protection or environmental enhancement of mass

transit.

SECTION __. Section 370.004(a), Transportation Code, is amended to read as follows:

Sec. 370.004. CONSTRUCTION COSTS DEFINED. (a) The cost of acquisition, construction, improvement, extension, or expansion of a transportation project under this chapter includes the cost of:

(1) the actual acquisition, construction, improvement, extension, or expansion of the transportation project;

(2) the acquisition of real property, rights-of-way, property rights, easements, and other interests in real property;

(3) machinery and equipment;

(4) interest payable before, during, and for not more than three years after acquisition, construction, improvement, extension, or expansion as provided in the bond proceedings;

(5) traffic estimates, revenue estimates, engineering and legal services, plans, specifications, surveys, appraisals, construction cost estimates, and other expenses necessary or incidental to determining the feasibility of the acquisition, construction, improvement, extension, or expansion;

(6) necessary or incidental administrative, legal, and other expenses;

(7) compliance with laws, regulations, and administrative rulings, including any costs associated with necessary environmental mitigation measures;

(8) financing; ~~and~~

(9) the assumption of debts, obligations, and liabilities of an entity relating to a transportation project transferred to an authority by that entity; and

(10) [9] expenses related to the initial operation of the transportation project.

SECTION __. Section 370.031, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) A municipality that borders the United Mexican States and has a population of 500,000 or more has the same authority as a county to create and participate in an authority. A municipality creating or participating in an authority has the same powers and duties as a county participating in an authority, the governing body of the municipality has the same powers and duties as the commissioners court of a county participating in an authority, and an elected member of the municipality's governing body has the same powers and duties as a commissioner of a county that is participating in an authority.

SECTION __. Section 370.033, Transportation Code, is amended by amending Subsection (m) and adding Subsections (o) and (p) to read as follows:

(m) If an authority receives money from the general revenue fund, the Texas Mobility Fund, or the state highway fund it may use the money only to acquire, design, finance, construct, operate, or maintain a turnpike project under Section 370.003(14)(A) or (D), or a transit system under Section 370.351.

(o) Except as provided in Subchapter J, an authority may not provide mass transit services in the service area of another transit provider that has taxing authority and has implemented it anywhere in the service area unless the service is provided under a written agreement with the transit provider or under Section 370.186.

(p) An authority, acting through its board, may agree with another entity to acquire a transportation project or system from that entity, and to assume any debts, obligations, and liabilities of the entity relating to a transportation project or system transferred to the authority.

SECTION __. Subchapter B, Chapter 370, Transportation Code, is amended by adding Section 370.039 to read as follows:

Sec. 370.039. TRANSFER OF TRANSPORTATION PROJECT OR SYSTEM. (a) An authority may transfer any of its transportation projects or systems to one or more governmental entities if:

(1) the authority has commitments from the governing bodies of the governmental entities to assume jurisdiction over the transferred projects or systems;

(2) property and contract rights in the transferred projects or systems and bonds issued for the projects or systems are not affected unfavorably;

(3) the transfer is not prohibited under the bond proceedings applicable to the transferred projects or systems;

(4) adequate provision has been made for the assumption of all debts, obligations, and liabilities of the authority relating to the transferred projects or systems by the governmental entities assuming jurisdiction over the transferred projects or systems;

(5) the governmental entities are authorized to assume jurisdiction over the transferred projects or systems, and to assume the debts, obligations, and liabilities of the authority relating to the transferred projects or systems; and

(6) the transfer has been approved by the commissioners court of each county that is part of the authority.

(b) An authority may transfer to one or more governmental entities any traffic estimates, revenue estimates, plans, specifications, surveys, appraisals, and other work product developed by the authority in determining the feasibility of the construction, improvement, extension, or expansion of a transportation project or system, and the authority's rights and obligations under any related agreements, if the requirements of Subsection (a)(1) and (6) are met.

(c) A governmental entity shall, using any lawfully available funds, reimburse any expenditures made by an authority from its feasibility study fund or otherwise to pay the costs of work product transferred to the governmental entity under Subsection (b), and any other amounts expended under related agreements transferred to the governmental entity. The reimbursement may be made over time, as determined by the governmental entity and the authority.

SECTION __. Section 370.186, Transportation Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) Except as provided by Subsection (c), an [An] authority may not construct, maintain, or operate a turnpike or toll project in an area having a governmental entity established under Chapter 284 or 366 unless the governmental entity and the authority enter into a written agreement specifying the terms and conditions under which the project shall be undertaken. An authority may not construct, maintain, or operate a transportation project that another governmental entity has determined to be a project under Chapter 451, 452, or 460 unless the governmental entity and the authority enter into a written agreement specifying the terms and conditions under which the project shall be undertaken.

(c) Subsection (a) does not apply to a turnpike or toll project located in a county in which a regional tollway authority has transferred under Section 366.036 or Section 366.172:

(1) all turnpike projects of the regional tollway authority that are located in the county; and

(2) all work product developed by the regional tollway authority in determining the feasibility of the construction, improvement, extension, or expansion of a turnpike project to be located in the county.

(d) An authority may not construct, maintain, or operate a passenger rail facility within the boundaries of an intermunicipal commuter rail district created under Article 6550c-1, Vernon's Texas Civil Statutes, as those boundaries existed on September 1, 2005, unless the district and the authority enter into a written agreement specifying the terms and conditions under which the project will be undertaken.

SECTION __. Chapter 370, Transportation Code, is amended by adding Subchapters I and J to read as follows:

SUBCHAPTER I. TRANSIT SYSTEMS

Sec. 370.351. TRANSIT SYSTEMS. (a) An authority may construct, own, operate, and maintain a transit system.

(b) An authority shall determine each transit route, including transit route changes.

(c) This chapter does not prohibit an authority, municipality, or transit provider from providing any service that complements a transit system, including providing parking garages, special transportation for persons who are disabled or elderly, or medical transportation services.

Sec. 370.352. PUBLIC HEARING ON FARE AND SERVICE CHANGES. (a) In this section:

(1) "Service change" means any addition or deletion resulting in the physical realignment of a transit route or a change in the type or frequency of service provided in a specific, regularly scheduled transit route.

(2) "Transit revenue vehicle mile" means one mile traveled by a transit vehicle while the vehicle is available to public passengers.

(3) "Transit route" means a route over which a transit vehicle travels that is specifically labeled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals.

(4) "Transit route mile" means one mile along a transit route regularly traveled by transit vehicles while available to public passengers.

(b) Except as provided by Section 370.353, an authority shall hold a public hearing on:

(1) a fare change;

(2) a service change involving:

(A) 25 percent or more of the number of transit route miles of a transit route; or

(B) 25 percent or more of the number of transit revenue vehicle miles of a transit route, computed daily, for the day of the week for which the change is made; or

(3) the establishment of a new transit route.

(c) An authority shall hold the public hearing required by Subsection (b) before the cumulative amount of service changes in a fiscal year equals a percentage amount described in Subsection (b)(2)(A) or (B).

Sec. 370.353. PUBLIC HEARING ON FARE AND SERVICE CHANGES: EXCEPTIONS. (a) In this section, "experimental service change" means an addition of service to an existing transit route or the establishment of a new transit route.

(b) A public hearing under Section 370.352 is not required for:

(1) a reduced or free promotional fare that is instituted daily or periodically over a period of not more than 180 days;

(2) a headway adjustment of not more than five minutes during peak-hour service and not more than 15 minutes during nonpeak-hour service;

(3) a standard seasonal variation unless the number, timing, or type of the standard seasonal variation changes; or

(4) an emergency or experimental service change in effect for 180 days or less.

(c) A hearing on an experimental service change in effect for more than 180 days may be held before or while the experimental service change is in effect and satisfies the requirement for a public hearing if the hearing notice required by Section 370.354 states that the change may become permanent at the end of the effective period. If a hearing is not held before or while the experimental service change is in effect, the service that existed before the change must be reinstated at the end of the 180th day after the change became effective and a public hearing must be held in accordance with Section 370.352 before the experimental service change may be continued.

Sec. 370.354. NOTICE OF HEARING ON FARE OR SERVICE CHANGE. (a) After calling a public hearing required by Section 370.352, the authority shall:

(1) at least 30 days before the date of the hearing, publish notice of the hearing at least once in a newspaper of general circulation in the territory of the authority; and

(2) post notice in each transit vehicle in service on any transit route affected by the proposed change for at least two weeks within 30 days before the date of the hearing.

(b) The notice must contain:

(1) a description of each proposed fare or service change, as appropriate;

(2) the time and place of the hearing; and

(3) if the hearing is required under Section 370.352(c), a description of the latest proposed change and the previous changes.

(c) The requirement for a public hearing under Section 370.352 is satisfied at a public hearing required by federal law if:

(1) the notice requirements of this section are met; and

(2) the proposed fare or service change is addressed at the meeting.

Sec. 370.355. CRIMINAL PENALTIES. (a) An authority by resolution may prohibit the use of the transit system by a person who fails to possess evidence showing that the appropriate fare for the use of the system has been paid and may establish reasonable and appropriate methods, including using peace officers under Section 370.181(c), to ensure that persons using the transit system pay the appropriate fare for that use.

(b) An authority by resolution may provide that a fare for or charge for the use of the transit system that is not paid incurs a penalty, not to exceed \$100.

(c) The authority shall post signs designating each area in which a person is prohibited from using the transit system without possession of evidence showing that the appropriate fare has been paid.

(d) A person commits an offense if:

(1) the person or another for whom the person is criminally responsible under Section 7.02, Penal Code, uses the transit system and does not possess evidence showing that the appropriate fare has been paid; and

(2) the person fails to pay the appropriate fare or other charge for the use of the transit system and any penalty on the fare on or before the 30th day after the date the authority notifies the person that the person is required to pay the amount of the fare or charge and the penalty.

(e) The notice required by Subsection (d)(2) may be included in a citation issued to the person by a peace officer under Article 14.06, Code of Criminal Procedure, in connection with an offense relating to the nonpayment of the appropriate fare or charge for the use of the transit system.

(f) An offense under Subsection (d) is a Class C misdemeanor.

(g) An offense under Subsection (d) is not a crime of moral turpitude.

[Sections 370.356-370.360 reserved for expansion]

SUBCHAPTER J. ACQUIRING TRANSIT SYSTEMS

Sec. 370.361. TRANSFER OF TRANSIT SYSTEMS. (a) In this section, "unit of election" means a political subdivision that previously voted to join the service area of a transit provider.

(b) An authority may request in writing a transit provider to transfer the provider's transit system and taxing authority to the authority if the board determines that the traffic needs of the counties in which the authority operates could be most efficiently and economically met by the transfer.

(c) On receipt of a written request under Subsection (b), the governing body of the transit provider may authorize the authority to solicit public comment and conduct at least one public hearing on the proposed transfer in each unit of election in the transit provider's service area. Notice of a hearing must be published in the Texas Register, one or more newspapers of general circulation in the transit provider's service area, and a newspaper, if any, published in the counties of the requesting authority. The notice shall also solicit written comments on the proposed transfer. The transit provider may participate fully with the authority in conducting a public hearing.

(d) A board may approve the acquisition of the transit provider if the governing body of the transit provider approves transfer of its operations to the authority and dissolution of the transit provider is approved in an election ordered under Subsection (e). Before approving the acquisition, the board shall consider public comments received under Subsection (c).

(e) After considering public comments received under Subsection (c), the governing body of the transit provider may order an election to dissolve the transit provider and transfer all services, property, funds, assets, employees, debts, and obligations to the authority. The governing body of the transit provider shall submit to the qualified voters in the units of election in the transit provider's service area a proposition that reads substantially as follows: "Shall (name of transit provider) be dissolved and its services, property, funds, assets, employees, debts, and obligations be transferred to (name of regional mobility authority)?"

(f) An election under Subsection (e) shall be conducted so that votes are separately tabulated and canvassed in each participating unit of election in the transit provider's service area.

(g) The governing body of the transit provider shall canvass the returns and declare the results of the election separately with respect to each unit of election. If a majority of the votes received in a unit of election are in favor of the proposition, the proposition is approved in that unit of election. The transit provider is dissolved and its services, property, funds, assets, employees, debts, and obligations are transferred to the authority only if the proposition is approved in every unit of election. If the proposition is not approved in every unit of election, the proposition does not pass and the transit provider is not dissolved.

(h) A certified copy of the order or resolution recording the results of the election shall be filed with the department, the comptroller, and the governing body of each unit of election in the transit provider's service area.

(i) The authority shall assume all debts or other obligations of the transferred transit provider in connection with the acquisition of property under Subsection (g). The authority may not use revenue from sales and use tax collected under this subchapter or other revenue of the transit system in a manner inconsistent with any pledge of that revenue for the payment of any outstanding bonds, unless provisions have been made for a full discharge of the bonds.

Sec. 370.362. SALES AND USE TAX. (a) If an authority acquires a transit provider with taxing authority, the authority may impose a sales and use tax at a permissible rate that does not exceed the rate approved by the voters who reside in the service area of the transit provider's transit system at an election under this subchapter.

(b) The authority by resolution may:

(1) decrease the rate of the sales and use tax to a permissible rate; or

(2) call an election for the increase or decrease of the sales and use tax to a permissible rate.

(c) If an authority orders an election, the authority shall publish notice of the election in a newspaper of general circulation in the territory of the authority at least once each week for three consecutive weeks, with the first publication occurring at least 21 days before the date of the election.

(d) A resolution ordering an election and the election notice required by Subsection (c) must show, in addition to the requirements of the Election Code, the hours of the election and polling places in election precincts.

(e) A copy of the election notice required by Subsection (c) shall be furnished to the commission and the comptroller.

(f) The permissible rates for a sales and use tax imposed under this subchapter are:

(1) one-quarter of one percent;

(2) one-half of one percent;

(3) three-quarters of one percent; or

(4) one percent.

(g) Chapter 322, Tax Code, applies to a sales and use tax imposed under this subchapter.

Sec. 370.363. MAXIMUM TAX RATE. (a) An authority may not adopt a sales and use tax rate, including a rate increase, that when combined with the rates of all sales and use taxes imposed by all political subdivisions of this state having territory in the service area of the transferred transit system exceeds two percent in any location in the service area.

(b) An election to approve a sales and use tax or increase the rate of an authority's sales and use tax has no effect if:

(1) the voters in the service area approve the authority's sales and use tax rate or rate increase at an election held on the same day on which a municipality or county having territory in the jurisdiction of the service area adopts a sales and use tax or an additional sales and use tax; and

(2) the combined rates of all sales and use taxes imposed by the authority and all political subdivisions of this state would exceed two percent in any part of the territory in the service area.

Sec. 370.364. ELECTION TO CHANGE TAX RATE. (a) At an election ordered under Section 370.362(b)(2), the ballots shall be printed to permit voting for or against the proposition: "The increase (decrease) of the local sales and use tax rate for mass transit to (percentage)."

(b) The increase or decrease in the tax rate becomes effective only if it is approved by a majority of the votes cast.

(c) A notice of the election and a certified copy of the order canvassing the election results shall be:

- (1) sent to the commission and the comptroller; and
- (2) filed in the deed records of the county.

Sec. 370.365. SALES TAX: EFFECTIVE DATES. (a) A sales and use tax implemented under this subchapter takes effect on the first day of the second calendar quarter that begins after the date the comptroller receives a copy of the order required to be sent under Section 370.364(c).

(b) An increase or decrease in the rate of a sales and use tax implemented under this subchapter takes effect on:

- (1) the first day of the first calendar quarter that begins after the date the comptroller receives the notice provided under Section 370.364(c); or
- (2) the first day of the second calendar quarter that begins after the date the comptroller receives the notice, if within 10 days after the date of receipt of the notice the comptroller gives written notice to the board that the comptroller requires more time to implement tax collection and reporting procedures.

SECTION __. Section 451.554, Transportation Code, is amended to read as follows:

Sec. 451.554. BOARD APPROVAL OF ANNEXATION: EFFECTIVE DATE. (a) The addition of territory annexed under Section 451.551, or approved under Section 451.552 or 451.553, does not take effect if, before the effective date of the addition under Subsection (b), the board of the authority gives written notice to the governing body of the municipality that added new territory to the authority by virtue of annexation, or to the governing body of the municipality or the commissioners court of the county that held the election, that the addition would create a financial hardship on the authority because:

- (1) the territory to be added is not contiguous to the territory of the existing authority; or
- (2) the addition of the territory would impair the imposition of the sales and use tax authorized by this chapter.

(b) In the absence of a notice under Subsection (a), the addition of territory takes effect on the 31st day after the date of the:

- (1) municipal ordinance, if annexed by a municipality under Section 451.551; or
- (2) election, if approved under Section 451.552 or 451.553 [approved under Section 451.552 or 451.553 takes effect on the 31st day after the date of the election].

SECTION __. Section 370.161(b), Transportation Code, is repealed.

SECTION __. The changes in law made by this Act to Chapter 370, Transportation Code, apply to a regional mobility authority created or participated in by a municipality described by Section 370.031(c), Transportation Code, as added by this Act, or Section 370.161(b), Transportation Code, as it existed before the effective date of this Act, in the same manner as they apply to any other entity that creates or participates in a regional mobility authority.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Pickett offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 201.943, Transportation Code, is amended by adding Subsection (1) to read as follows:

(1) Obligations may not be issued if the commission or the department requires that toll roads be included in a regional mobility plan in order for a local authority to receive an allocation from the fund, except that bond proceeds deposited in the fund and other money in the fund may be spent in the eight metropolitan areas, as identified in the department's transportation strategic plan and uniform transportation plan, regardless of whether the regional mobility plan includes toll roads.

Amendment No. 17 was adopted.

Amendment No. 18

Representative Pickett offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Sections 223.041(b), (c), and (d), Transportation Code, are amended to read as follows:

(b) The department, in setting a minimum level of expenditures in these engineering-related activities that will be paid to the private sector providers, shall provide that ~~[index the level of expenditures from the amount set by rider in the General Appropriations Act enacted by the 75th Legislature at its regular session in 1997, expressed as a percentage of the total funds appropriated in Strategy A.1.1. Plan/Design/Manage.~~

~~[(c) Beginning in fiscal year 2000, the department shall increase its expenditures to private sector providers for engineering related services at least one percentage point per year until]~~ the expenditure level for a state fiscal year in all strategies paid to private sector providers for all department engineering-related services for transportation projects is not less than ~~[reaches a minimum of]~~ 35 percent of the total funds appropriated in Strategy A.1.1. Plan/Design/Manage and Strategy A.1.2. of the General Appropriations Act for that state fiscal biennium. The department shall attempt to make expenditures for engineering-related services with private sector providers under this subsection with historically underutilized businesses, as defined by Section 2161.001, Government Code, in an amount consistent with the applicable provisions of the Government Code, any applicable state disparity study, and in accordance with the good-faith-effort procedures outlined in the rules adopted by the Texas Building and Procurement Commission ~~[General Services Commission]~~.

~~[(d) The commission shall provide for hearings at which private sector complaints relating to the selection process are heard.]~~

Amendment No. 18 was adopted.

Amendment No. 19

Representative Hill offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION ___. REGIONAL TRANSIT SYSTEM REVIEW COMMITTEE.

(a) In this section, "region" means the region formed by two contiguous counties each containing a municipality having a population of at least 530,000 and the counties adjacent to one or both of those counties.

(b) The Regional Transit System Review Committee is created to conduct public hearings regarding, and study the implications of, implementing regional transit service in the region.

(c) The committee consists of:

(1) each member of the legislature who represents a district that contains territory in the region;

(2) each mayor of a municipality in the region;

(3) each county judge and commissioner in the region; and

(4) the executive director of each transportation authority in the region.

(d) In conducting hearings and studies the committee shall:

(1) examine whether a seamless system of transit systems should be offered throughout the region;

(2) examine whether there should be a mechanism for additional counties to participate in the regional transit system; and

(3) perform a review of funding and financing options.

(e) The initial meeting of the committee shall take place before September 30, 2005. At the initial meeting the committee shall adopt rules governing the committee and establish a work plan and schedule for future meetings.

(f) The committee may accept gifts, grants, technical support, or any other resources from any source to carry out the functions of the committee.

(g) Not later than September 1, 2006, the committee shall issue a report summarizing:

(1) hearings conducted by the committee;

(2) studies conducted by the committee;

(3) any legislation proposed by the committee; and

(4) any other findings or recommendations of the committee.

(h) This section expires September 1, 2007.

Amendment No. 19 was adopted.

Amendment No. 20

Representative P. King offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by inserting appropriately numbered SECTIONS to read as follows:

SECTION ___. Section 21.021(a), Property Code, is amended to read as follows:

(a) After the special commissioners have made an award in a condemnation proceeding, except as provided by Subsection (c) [~~of this section~~], the condemnor may take possession of the condemned property pending the results of further litigation if the condemnor:

(1) pays to the property owner the amount of damages and costs awarded by the special commissioners or deposits that amount of money with the court subject to the order of the property owner;

(2) deposits with the court either the amount of money awarded by the special commissioners as damages or a surety bond in the same amount issued by a surety company qualified to do business in this state, conditioned to secure the payment of an award of damages by the court in excess of the award of the special commissioners; ~~and~~

(3) executes a bond that has two or more good and solvent sureties approved by the judge of the court in which the proceeding is pending and conditioned to secure the payment of additional costs that may be awarded to the property owner by the trial court or on appeal; and

(4) obtains from the court a writ of possession or other order entitling the condemnor to possession of the condemned property.

SECTION ____ . Section 21.021(a), Property Code, as amended by this Act, applies only to a condemnation proceeding the petition for which is filed on or after the effective date of this Act. A condemnation proceeding the petition for which is filed before the effective date of this Act is governed by the law in effect at the time the petition was filed, and that law is continued in effect for that purpose.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session at 8 p.m. today in 3W.9, for a formal meeting, to consider committee business.

Permission to meet was granted.

Representative Giddings requested permission for the Committee on Business and Industry to meet while the house is in session at 8:10 p.m., in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session at 9 p.m. today, in 3W.9, for a formal meeting, to set the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Culture, Recreation, and Tourism, 8 p.m. today, 3W.9, for a formal meeting, to consider committee business.

Business and Industry, 8:10 p.m. today, 3W.9, for a formal meeting, to consider **SB 54**, **SB 444**, **SB 629**, **SB 742**, **SB 1018**, **SB 1186**, and pending business.

Calendars, 9 p.m. today, 3W.9, for a formal meeting, to set the calendar.

CSHB 2702 - (consideration continued)

Amendment No. 20 was withdrawn.

Amendment No. 21

Representative P. King offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 21.021, Property Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) After the special commissioners have made an award in a condemnation proceeding, except as provided by Subsection (c) [~~of this section~~], the condemnor may take possession of the condemned property pending the results of further litigation if the condemnor:

(1) pays to the property owner the amount of damages and costs awarded by the special commissioners or deposits that amount of money with the court subject to the order of the property owner;

(2) deposits with the court either the amount of money awarded by the special commissioners as damages or a surety bond in the same amount issued by a surety company qualified to do business in this state, conditioned to secure the payment of an award of damages by the court in excess of the award of the special commissioners; ~~and~~

(3) executes a bond that has two or more good and solvent sureties approved by the judge of the court in which the proceeding is pending and conditioned to secure the payment of additional costs that may be awarded to the property owner by the trial court or on appeal; and

(4) obtains from the court a writ of possession or other order entitling the condemnor to possession of the condemned property.

(e) Subsection (a)(4) does not apply to a condemnation by the Texas Department of Transportation.

SECTION _____. Section 21.021(a), Property Code, as amended by this Act, applies only to a condemnation proceeding the petition for which is filed on or after the effective date of this Act. A condemnation proceeding the petition for which is filed before the effective date of this Act is governed by the law in effect at the time the petition was filed, and that law is continued in effect for that purpose.

Amendment No. 21 was adopted.

Amendment No. 22

Representative West offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter D, Chapter 502, Transportation Code, is amended by adding Section 502.1515 to read as follows:

Sec. 502.1515. OUTSOURCING PRODUCTION OF RENEWAL NOTICES; PAID ADVERTISING. The commission may authorize the department to enter into a contract with a private vendor to produce and distribute motor vehicle registration renewal notices. The contract may provide for the inclusion of paid advertising in the registration renewal notice packet.

Amendment No. 22 was adopted.

Amendment No. 23

Representatives Alonzo and T. King offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 201.903, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Each department sign on Interstate Highway 35 that identifies an intersection of that highway and U.S. Highway 57 and includes the words "Eagle Pass" must also contain the words "Crystal City."

Amendment No. 23 was adopted.

Amendment No. 24

Representatives Merritt, Escobar, Gonzales, Frost, Chavez, Howard, Hughes, Puente, and Strama offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ___. BORDER REGION HIGH-SPEED RAIL AUTHORITIES

SECTION ___. Chapter 13, Title 112, Revised Statutes, is amended by adding Article 6550c-4 to read as follows:

Art. 6550c-4. BORDER REGION HIGH-SPEED RAIL AUTHORITIES

Sec. 1. DEFINITIONS. In this article:

(1) "Authority" means a border region high-speed rail authority created under this article.

(2) "Authority property" means all property an authority owns or leases under a long-term lease.

(3) "Border region" means the Texas-Louisiana border region or the Texas-Mexico border region, as defined by Section 2056.002, Government Code.

(4) "Commission" means the Texas Transportation Commission.

(5) "Department" means the Texas Department of Transportation.

(6) "High-speed rail" means the rail technology that permits the operation of rolling stock between scheduled stops at speeds greater than 70 miles per hour.

(7) "High-speed rail facility" means any property necessary for the transportation of passengers and baggage between points in a border region by high-speed rail. The term includes rolling stock, locomotives, stations, parking areas, and rail lines.

(8) "System" means all of the high-speed rail and intermodal facilities leased or owned by or operated on behalf of an authority.

Sec. 2. CREATION OF AUTHORITIES. The commission by order may authorize the creation of an authority in each border region for the purposes of financing, acquiring property for, constructing, maintaining, operating, and improving a high-speed rail system in each border region.

Sec. 3. GOVERNING BODY. (a) The governing body of an authority is a board of directors consisting of representatives of each county in the border region for which the authority is created. The board is composed of 11 members appointed by the governor.

(b) The members of the board shall elect one member as presiding officer. The presiding officer may select another member to preside in the absence of the presiding officer.

(c) The presiding officer shall call at least one meeting of the board each year and may call other meetings as the presiding officer determines are appropriate.

(d) A member of the board is not entitled to compensation for serving as a member but is entitled to reimbursement for reasonable expenses incurred while serving as a member.

(e) The board shall adopt rules for its proceedings and appoint an executive committee. The board may employ and compensate persons to carry out the powers and duties of the authority.

(f) Chapter 171, Local Government Code, applies to a member of the board.

Sec. 4. POWERS AND DUTIES OF AUTHORITY. (a) An authority is a public body and a political subdivision of the state exercising public and essential governmental functions and has all the powers necessary or convenient to carry out the purposes of this article. An authority, in the exercise of powers under this article, is performing only governmental functions and is a governmental unit within the meaning of Chapter 101, Civil Practice and Remedies Code.

(b) An authority is subject every 12th year to review under Chapter 325, Government Code (Texas Sunset Act).

(c) An authority may sue and be sued in all courts, may institute and prosecute suits without giving security for costs, and may appeal from a judgment without giving a supersedeas or cost bond. An action at law or in equity against an authority must be brought in the county in which a principal office of the authority is located, except that in an eminent domain proceeding involving an interest in land, suit must be brought in the county in which the land is located.

(d) An authority may acquire by grant, purchase, gift, devise, lease, or otherwise and may hold, use, sell, lease, or dispose of real and personal property, licenses, patents, rights, and interests necessary, convenient, or useful for the full exercise of its powers.

(e) An authority may acquire, construct, develop, own, operate, maintain, and improve intermodal and high-speed rail facilities to connect political subdivisions in the applicable border region. For this purpose and with the consent of a municipality, county, or other political subdivision, an authority may use streets, alleys, roads, highways, and other public ways of the municipality, county, or other political subdivision and may relocate, raise, reroute, change the grade of, or alter, at the expense of the authority, the construction of any street, alley, highway, road, railroad, electric lines and facilities, telegraph and telephone properties and facilities, pipelines and facilities, conduits and facilities, and other properties, whether publicly or privately owned, as necessary or useful in the construction, reconstruction, repair, maintenance, operation, and improvement of the system. An authority may not use or alter a road or highway that is part of the state highway system without the permission of the commission or a railroad without permission of the railroad. An authority may acquire by purchase any interest in real property for the acquisition, construction, operation, or improvement of a high-speed rail facility on terms and at a price as agreed to between the authority and the owner. The governing body of a municipality, county, other political subdivision, or public agency may convey title or rights and easements to any property needed by an authority to effect its purposes in connection with the acquisition, construction, operation, or improvement of the system.

(f) An authority has the right of eminent domain to acquire real property in fee simple or an interest in real property less than fee simple in, on, under, or above land, including an easement, right-of-way, or right of use of airspace or subsurface space. The power of eminent domain under this section does not apply to land under the jurisdiction of the department or a rail line owned by a common carrier or municipality. An authority shall, to the extent possible, use existing rail or intermodal transportation corridors for the alignment of its system. A proceeding for the exercise of the power of eminent domain is begun by the adoption by the board of a resolution declaring the public necessity for the acquisition by an authority of the property or interest described in the resolution and that the acquisition is necessary and proper for the construction, extension, improvement, or development of high-speed rail facilities and is in the public interest. The resolution of an authority is conclusive evidence of the public necessity of the proposed acquisition and that the real or personal property or interest in property is necessary for public use.

(g) With the consent of the property owner, instead of paying for real property with a single fixed payment, an authority may pay the owner in the form of:

(1) an intangible legal right to receive a percentage of identified fees related to the applicable segment of the system; or

(2) an exclusive or nonexclusive right to use or operate a part of the system.

(h) An authority may make agreements with a public utility, private utility, communication system, common carrier, state agency, or transportation system for the joint use of facilities, installations, or properties inside or outside the border region and establish through routes and joint fares.

(i) An authority may adopt rules to govern the operation of the authority, its employees, the system, service provided by the authority, and any other necessary matter concerning its purposes, including rules relating to health, safety, alcohol or beverage service, food service, and telephone and utility services, to protect the health, safety, and general welfare of residents of the border region and people who use the authority's services.

(j) An authority may enter into a joint ownership agreement with any person.

(k) An authority shall establish and maintain rates or other compensation for the use of the facilities of the system acquired, constructed, operated, regulated, or maintained by the authority that is reasonable and nondiscriminatory and, together with grants received by the authority, is sufficient to produce revenues adequate:

(1) to pay all expenses necessary for the operation and maintenance of the properties and facilities of the authority;

(2) to pay the interest on and principal of bonds issued by the authority and payable in whole or in part from the revenues, as they become due and payable; and

(3) to comply with the terms of an agreement made with the holders of bonds or with any person in their behalf.

(l) An authority may make contracts, leases, and agreements with, and accept grants and loans from, the United States, this state, agencies and political subdivisions of this state or another state of the United States, the United Mexican States, or a state of the United Mexican States, and other persons and entities and may perform any act necessary for the full exercise of the powers vested in it. The commission may enter into an interlocal agreement with an authority under which the authority may exercise a power or duty of the commission for the development and efficient operation of an intermodal corridor in the border region. An authority may acquire rolling stock or other property under conditional sales contracts, leases, equipment trust certificates, or any other form of contract or trust agreement. A revenue bond indenture may limit the exercise of the powers granted by this section, and a limit applies as long as the revenue bonds issued under the indenture are outstanding and unpaid.

(m) An authority by resolution may adopt rules governing the use, operation, and maintenance of the system and may determine or change a routing as the board considers advisable.

(n) An authority may lease all or part of the high-speed rail facilities to, or contract for the use or operation of all or part of the high-speed rail facilities by, an operator. An authority shall encourage to the maximum extent practicable the participation of private enterprise in the operation of high-speed rail facilities. The term of an operating contract under this subsection may not exceed 20 years.

(o) An authority may contract with a county or other political subdivision of this state for the authority to provide high-speed rail transportation services to an area outside the border region on the terms and conditions agreed to by the parties.

(p) An authority may purchase an additional insured provision to any liability insurance contract.

(q) Before beginning the operation of high-speed rail facilities, the board shall adopt an annual operating budget specifying the anticipated revenues and expenses of the authority for the remainder of the fiscal year. Each year the board shall adopt an operating budget for the authority. The fiscal year of an authority ends September 30 unless changed by the board. The board shall hold a public hearing before adopting a budget other than the initial budget. Notice of each hearing must be published at least seven days before the date of the hearing in a newspaper of general circulation in each county in the applicable border region. A budget may be amended at any time if notice of the proposed amendment is given in the notice of the meeting at which the amendment will be considered. An expenditure that is not budgeted may not be made.

(r) An authority is eligible to participate in the Texas County and District Retirement System.

(s) The board shall by resolution name one or more banks for the deposit of authority funds. Authority funds are public funds and may be invested in securities permitted by Chapter 2256, Government Code. To the extent funds of an authority are not insured by the Federal Deposit Insurance Corporation or its successor, they shall be collateralized in the manner provided for county funds.

(t) To provide tax benefits to another party that are available with respect to property under the laws of a foreign country or to encourage private investment with a transportation authority in the United States, and notwithstanding any other provision of this chapter, an authority may enter into and execute, as it considers appropriate, contracts, agreements, notes, security agreements, conveyances, bills of sale, deeds, leases as lessee or lessor, and currency hedges, swap transactions, or agreements relating to foreign and domestic currency. The agreements or instruments may have the terms, maturities, duration, provisions as to governing law, indemnities, and other provisions that are approved by the board. In connection with any transaction authorized by this subsection, the authority shall deposit in trust, escrow, or similar arrangement cash or lawful investments or securities, or shall enter into one or more payment agreements, financial guarantees, or insurance contracts with counterparties having either a corporate credit or debt rating in any form, a claims-paying ability, or a rating for financial strength of "AA" or better by Moody's Investors Service, Inc., or by Standard & Poor's Corporation or "A-" or better by BEST's rating system that, by their terms, including interest to be earned on any cash or securities, are sufficient in amount to pay when due all amounts required to be paid by the authority as rent over the full term of the transaction plus any optional purchase price due under the transaction. A certification in advance by an independent financial expert, banker, or certified public accountant, who is not an employee of the authority, certifying compliance with this requirement constitutes conclusive

evidence of compliance. Property sold, acquired, or otherwise transferred under this subsection is considered for all purposes to be property owned and held by the authority and used for public purposes.

Sec. 5. BONDS AND NOTES. (a) An authority may issue revenue bonds and notes in amounts the board considers necessary or appropriate for the acquisition, purchase, construction, reconstruction, repair, equipping, improvement, or extension of the authority's high-speed rail facilities. A bond or note is fully negotiable and may be made redeemable before maturity, at the option of the authority and at the price and under the terms the board determines in the resolution authorizing the bond or note and may be sold at public or private sale, as the board determines.

(b) An authority shall submit all bonds and notes and the record of proceedings relating to their issuance to the attorney general for examination before delivery. If the attorney general determines that they have been issued in accordance with the constitution and this article and that they will be binding obligations of the authority, the attorney general shall approve them, and the comptroller shall register them. A bond or note issued under this article is incontestable after approval, registration, and sale and delivery of the bond or note to the purchaser.

(c) To secure the payment of the bond or note, an authority may encumber and pledge all or any part of the revenues of its high-speed rail facilities, may mortgage and encumber all or part of the property of the high-speed rail facilities and any thing pertaining to them that is acquired or to be acquired, and may prescribe the terms and provisions of the bond or note in any manner not inconsistent with this article. If not prohibited by the resolution or indenture relating to outstanding bonds or notes, an authority may encumber separately any item of real or personal property.

(d) A bond or note is a legal and authorized investment for banks, trust companies, savings and loan associations, and insurance companies. The bond or note is eligible to secure the deposit of public funds of this state or a municipality, county, school district, or other political corporation or subdivision of this state. The bond or note is lawful and sufficient security for the deposits to the extent of the principal amount or market value of the bond or note, whichever is less.

Sec. 6. COMPETITIVE BIDS. A contract in the amount of more than \$15,000 for the construction of improvements or the purchase of material, machinery, equipment, supplies, or any other property other than real property may be let only on competitive bids after notice published, at least 15 days before the date set for receiving bids, in a newspaper of general circulation in each county in the applicable border region. The board may adopt rules governing the taking of bids and the awarding of contracts. This section does not apply to:

- (1) personal or professional services;
- (2) the acquisition of an existing rail transportation system; or
- (3) a contract with a common carrier to construct lines or to operate high-speed rail service on lines owned in whole or in part by the carrier.

Sec. 7. EXEMPTION FROM TAXES. The property, material purchases, revenues, and income of an authority and the interest on a bond or note issued by an authority are exempt from all taxes imposed by this state or a political subdivision of this state.

Sec. 8. SALES AND USE TAX. (a) A sales and use tax is imposed on items sold on authority property. The sales and use tax shall be imposed at the rate of the highest combination of local sales and use taxes imposed at the time of the authority's creation in any local governmental jurisdiction in the applicable border region. The comptroller shall remit to the authority the local sales and use tax collected on the authority's property. All other local sales and use taxes that would otherwise be imposed on authority property are abolished by the imposition of this tax.

(b) The comptroller shall administer, collect, and enforce a tax imposed under this article. Chapter 321, Tax Code, governs the computation, administration, governance, and use of the tax except as inconsistent with this article.

(c) An authority shall notify the comptroller in writing by registered or certified mail of the authority's creation and of its intent to impose the sales and use tax under this article. The authority shall provide to the comptroller all information required to implement the tax, including:

(1) an adequate map showing the property boundaries of the authority;
and
(2) a certified copy of the resolution of the authority board adopting the tax.

(d) Not later than the 30th day after the date the comptroller receives the notice, map, and other information, the comptroller shall inform the authority of whether the comptroller is prepared to administer the tax.

(e) At the same time an authority notifies the comptroller under Subsection (c) of this section, the authority shall notify each affected local governmental unit of the authority's creation and provide each with an adequate map showing the property boundaries of the authority.

(f) Not later than the 30th day after the date an authority adds territory to the authority, the authority shall notify the comptroller and each affected local governmental unit of the addition. The authority must include with each notification an adequate map showing the new boundaries of the authority and the date the additional territory was added. Not later than the 30th day after the date the comptroller receives the notice under this subsection, the comptroller shall inform the authority of whether the comptroller is prepared to administer the tax in the additional territory.

(g) A tax imposed under this section or the abolition of a tax under Subsection (a) of this section takes effect on the first day of the first complete calendar quarter that occurs after the expiration of the first complete calendar quarter that occurs after the date the comptroller receives a notice of the action as required by this section.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Giddings requested permission for the Committee on Business and Industry to meet while the house is in session at 8:10 p.m. today, in 3W.9, for a formal meeting, to consider **SB 244** and other pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 8:10 p.m. today, 3W.9, for a formal meeting, to consider **SB 244**.

CSHB 2702 - (consideration continued)

Amendment No. 24 was withdrawn.

Amendment No. 25

Representative Kolkhorst offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** on page 28, lines 26 and 27 by striking "361.180, and 370.163(b)" and substitute "and 361.180".

Amendment No. 25 was adopted.

Amendment No. 26

Representative Baxter offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** on page 13, between lines 1 and 2 by inserting:

(e) If the department acquires a tract that severs an owner's property, the department may allow the owner to build, in compliance with federal law, an alternative access between the severed tracts below the tract acquired by the department. An owner must obtain department approval of the design specifications of the alternative access.

Amendment No. 26 was adopted.

Amendment No. 22 - Vote Reconsidered

Representative Thompson moved to reconsider the vote by which Amendment No. 22 was adopted.

The motion to reconsider prevailed.

Amendment No. 22 was adopted. (Keel and Thompson recorded voting no.)

Amendment No. 27

Representatives Escobar, Gonzales, Merritt, Chavez, Strama, Howard, Hughes, Puente, and Rodriguez offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE __. BORDER REGION HIGH-SPEED RAIL AUTHORITIES

SECTION __. Chapter 13, Title 112, Revised Statutes, is amended by adding Article 6550c-4 to read as follows:

Art. 6550c-4. BORDER REGION HIGH-SPEED RAIL AUTHORITIES

Sec. 1. DEFINITIONS. In this article:

(1) "Authority" means a border region high-speed rail authority created under this article.

(2) "Authority property" means all property an authority owns or leases under a long-term lease.

(3) "Border region" means the Texas-Louisiana border region or the Texas-Mexico border region, as defined by Section 2056.002, Government Code.

(4) "Commission" means the Texas Transportation Commission.

(5) "Department" means the Texas Department of Transportation.

(6) "High-speed rail" means the rail technology that permits the operation of rolling stock between scheduled stops at speeds greater than 70 miles per hour.

(7) "High-speed rail facility" means any property necessary for the transportation of passengers and baggage between points in a border region by high-speed rail. The term includes rolling stock, locomotives, stations, parking areas, and rail lines.

(8) "System" means all of the high-speed rail and intermodal facilities leased or owned by or operated on behalf of an authority.

Sec. 2. CREATION OF AUTHORITIES. The commission by order may authorize the creation of an authority in each border region for the purposes of financing, acquiring property for, constructing, maintaining, operating, and improving a high-speed rail system in each border region.

Sec. 3. GOVERNING BODY. (a) The governing body of an authority is a board of directors consisting of representatives of each county in the border region for which the authority is created. The board is composed of 11 members appointed by the governor.

(b) The members of the board shall elect one member as presiding officer. The presiding officer may select another member to preside in the absence of the presiding officer.

(c) The presiding officer shall call at least one meeting of the board each year and may call other meetings as the presiding officer determines are appropriate.

(d) A member of the board is not entitled to compensation for serving as a member but is entitled to reimbursement for reasonable expenses incurred while serving as a member.

(e) The board shall adopt rules for its proceedings and appoint an executive committee. The board may employ and compensate persons to carry out the powers and duties of the authority.

(f) Chapter 171, Local Government Code, applies to a member of the board.

Sec. 4. POWERS AND DUTIES OF AUTHORITY. (a) An authority is a public body and a political subdivision of the state exercising public and essential governmental functions and has all the powers necessary or convenient to carry

out the purposes of this article. An authority, in the exercise of powers under this article, is performing only governmental functions and is a governmental unit within the meaning of Chapter 101, Civil Practice and Remedies Code.

(b) An authority is subject every 12th year to review under Chapter 325, Government Code (Texas Sunset Act).

(c) An authority may sue and be sued in all courts, may institute and prosecute suits without giving security for costs, and may appeal from a judgment without giving a supersedeas or cost bond. An action at law or in equity against an authority must be brought in the county in which a principal office of the authority is located, except that in an eminent domain proceeding involving an interest in land, suit must be brought in the county in which the land is located.

(d) An authority may acquire by grant, purchase, gift, devise, lease, or otherwise and may hold, use, sell, lease, or dispose of real and personal property, licenses, patents, rights, and interests necessary, convenient, or useful for the full exercise of its powers.

(e) An authority may acquire, construct, develop, own, operate, maintain, and improve intermodal and high-speed rail facilities to connect political subdivisions in the applicable border region. For this purpose and with the consent of a municipality, county, or other political subdivision, an authority may use streets, alleys, roads, highways, and other public ways of the municipality, county, or other political subdivision and may relocate, raise, reroute, change the grade of, or alter, at the expense of the authority, the construction of any street, alley, highway, road, railroad, electric lines and facilities, telegraph and telephone properties and facilities, pipelines and facilities, conduits and facilities, and other properties, whether publicly or privately owned, as necessary or useful in the construction, reconstruction, repair, maintenance, operation, and improvement of the system. An authority may not use or alter a road or highway that is part of the state highway system without the permission of the commission or a railroad without permission of the railroad. An authority may acquire by purchase any interest in real property for the acquisition, construction, operation, or improvement of a high-speed rail facility on terms and at a price as agreed to between the authority and the owner. The governing body of a municipality, county, other political subdivision, or public agency may convey title or rights and easements to any property needed by an authority to effect its purposes in connection with the acquisition, construction, operation, or improvement of the system.

(f) An authority has the right of eminent domain to acquire real property in fee simple or an interest in real property less than fee simple in, on, under, or above land, including an easement, right-of-way, or right of use of airspace or subsurface space. The power of eminent domain under this section does not apply to land under the jurisdiction of the department or a rail line owned by a common carrier or municipality. An authority shall, to the extent possible, use existing rail or intermodal transportation corridors for the alignment of its system. A proceeding for the exercise of the power of eminent domain is begun by the adoption by the board of a resolution declaring the public necessity for the acquisition by an authority of the property or interest described in the resolution

and that the acquisition is necessary and proper for the construction, extension, improvement, or development of high-speed rail facilities and is in the public interest. The resolution of an authority is conclusive evidence of the public necessity of the proposed acquisition and that the real or personal property or interest in property is necessary for public use.

(g) With the consent of the property owner, instead of paying for real property with a single fixed payment, an authority may pay the owner in the form of:

(1) an intangible legal right to receive a percentage of identified fees related to the applicable segment of the system; or

(2) an exclusive or nonexclusive right to use or operate a part of the system.

(h) An authority may make agreements with a public utility, private utility, communication system, common carrier, state agency, or transportation system for the joint use of facilities, installations, or properties inside or outside the border region and establish through routes and joint fares.

(i) An authority may adopt rules to govern the operation of the authority, its employees, the system, service provided by the authority, and any other necessary matter concerning its purposes, including rules relating to health, safety, alcohol or beverage service, food service, and telephone and utility services, to protect the health, safety, and general welfare of residents of the border region and people who use the authority's services.

(j) An authority may enter into a joint ownership agreement with any person.

(k) An authority shall establish and maintain rates or other compensation for the use of the facilities of the system acquired, constructed, operated, regulated, or maintained by the authority that is reasonable and nondiscriminatory and, together with grants received by the authority, is sufficient to produce revenues adequate:

(1) to pay all expenses necessary for the operation and maintenance of the properties and facilities of the authority;

(2) to pay the interest on and principal of bonds issued by the authority and payable in whole or in part from the revenues, as they become due and payable; and

(3) to comply with the terms of an agreement made with the holders of bonds or with any person in their behalf.

(l) An authority may make contracts, leases, and agreements with, and accept grants and loans from, the United States, this state, agencies and political subdivisions of this state or another state of the United States, the United Mexican States, or a state of the United Mexican States, and other persons and entities and may perform any act necessary for the full exercise of the powers vested in it. The commission may enter into an interlocal agreement with an authority under which the authority may exercise a power or duty of the commission for the development and efficient operation of an intermodal corridor in the border region. An authority may acquire rolling stock or other property under conditional sales contracts, leases, equipment trust certificates, or any other

form of contract or trust agreement. A revenue bond indenture may limit the exercise of the powers granted by this section, and a limit applies as long as the revenue bonds issued under the indenture are outstanding and unpaid.

(m) An authority by resolution may adopt rules governing the use, operation, and maintenance of the system and may determine or change a routing as the board considers advisable.

(n) An authority may lease all or part of the high-speed rail facilities to, or contract for the use or operation of all or part of the high-speed rail facilities by, an operator. An authority shall encourage to the maximum extent practicable the participation of private enterprise in the operation of high-speed rail facilities. The term of an operating contract under this subsection may not exceed 20 years.

(o) An authority may contract with a county or other political subdivision of this state for the authority to provide high-speed rail transportation services to an area outside the border region on the terms and conditions agreed to by the parties.

(p) An authority may purchase an additional insured provision to any liability insurance contract.

(q) Before beginning the operation of high-speed rail facilities, the board shall adopt an annual operating budget specifying the anticipated revenues and expenses of the authority for the remainder of the fiscal year. Each year the board shall adopt an operating budget for the authority. The fiscal year of an authority ends September 30 unless changed by the board. The board shall hold a public hearing before adopting a budget other than the initial budget. Notice of each hearing must be published at least seven days before the date of the hearing in a newspaper of general circulation in each county in the applicable border region. A budget may be amended at any time if notice of the proposed amendment is given in the notice of the meeting at which the amendment will be considered. An expenditure that is not budgeted may not be made.

(r) An authority is eligible to participate in the Texas County and District Retirement System.

(s) The board shall by resolution name one or more banks for the deposit of authority funds. Authority funds are public funds and may be invested in securities permitted by Chapter 2256, Government Code. To the extent funds of an authority are not insured by the Federal Deposit Insurance Corporation or its successor, they shall be collateralized in the manner provided for county funds.

(t) To provide tax benefits to another party that are available with respect to property under the laws of a foreign country or to encourage private investment with a transportation authority in the United States, and notwithstanding any other provision of this chapter, an authority may enter into and execute, as it considers appropriate, contracts, agreements, notes, security agreements, conveyances, bills of sale, deeds, leases as lessee or lessor, and currency hedges, swap transactions, or agreements relating to foreign and domestic currency. The agreements or instruments may have the terms, maturities, duration, provisions as to governing law, indemnities, and other provisions that are approved by the board. In connection with any transaction authorized by this subsection, the authority shall deposit in trust, escrow, or similar arrangement cash or lawful

investments or securities, or shall enter into one or more payment agreements, financial guarantees, or insurance contracts with counterparties having either a corporate credit or debt rating in any form, a claims-paying ability, or a rating for financial strength of "AA" or better by Moody's Investors Service, Inc., or by Standard & Poor's Corporation or "A-" or better by BEST's rating system that, by their terms, including interest to be earned on any cash or securities, are sufficient in amount to pay when due all amounts required to be paid by the authority as rent over the full term of the transaction plus any optional purchase price due under the transaction. A certification in advance by an independent financial expert, banker, or certified public accountant, who is not an employee of the authority, certifying compliance with this requirement constitutes conclusive evidence of compliance. Property sold, acquired, or otherwise transferred under this subsection is considered for all purposes to be property owned and held by the authority and used for public purposes.

Sec. 5. BONDS AND NOTES. (a) An authority may issue revenue bonds and notes in amounts the board considers necessary or appropriate for the acquisition, purchase, construction, reconstruction, repair, equipping, improvement, or extension of the authority's high-speed rail facilities. A bond or note is fully negotiable and may be made redeemable before maturity, at the option of the authority and at the price and under the terms the board determines in the resolution authorizing the bond or note and may be sold at public or private sale, as the board determines.

(b) An authority shall submit all bonds and notes and the record of proceedings relating to their issuance to the attorney general for examination before delivery. If the attorney general determines that they have been issued in accordance with the constitution and this article and that they will be binding obligations of the authority, the attorney general shall approve them, and the comptroller shall register them. A bond or note issued under this article is incontestable after approval, registration, and sale and delivery of the bond or note to the purchaser.

(c) To secure the payment of the bond or note, an authority may encumber and pledge all or any part of the revenues of its high-speed rail facilities, may mortgage and encumber all or part of the property of the high-speed rail facilities and any thing pertaining to them that is acquired or to be acquired, and may prescribe the terms and provisions of the bond or note in any manner not inconsistent with this article. If not prohibited by the resolution or indenture relating to outstanding bonds or notes, an authority may encumber separately any item of real or personal property.

(d) A bond or note is a legal and authorized investment for banks, trust companies, savings and loan associations, and insurance companies. The bond or note is eligible to secure the deposit of public funds of this state or a municipality, county, school district, or other political corporation or subdivision of this state. The bond or note is lawful and sufficient security for the deposits to the extent of the principal amount or market value of the bond or note, whichever is less.

Sec. 6. COMPETITIVE BIDS. A contract in the amount of more than \$15,000 for the construction of improvements or the purchase of material, machinery, equipment, supplies, or any other property other than real property may be let only on competitive bids after notice published, at least 15 days before the date set for receiving bids, in a newspaper of general circulation in each county in the applicable border region. The board may adopt rules governing the taking of bids and the awarding of contracts. This section does not apply to:

- (1) personal or professional services;
- (2) the acquisition of an existing rail transportation system; or
- (3) a contract with a common carrier to construct lines or to operate high-speed rail service on lines owned in whole or in part by the carrier.

Sec. 7. EXEMPTION FROM TAXES. The property, material purchases, revenues, and income of an authority and the interest on a bond or note issued by an authority are exempt from all taxes imposed by this state or a political subdivision of this state.

Sec. 8. SALES AND USE TAX. (a) A sales and use tax is imposed on items sold on authority property. The sales and use tax shall be imposed at the rate of the highest combination of local sales and use taxes imposed at the time of the authority's creation in any local governmental jurisdiction in the applicable border region. The comptroller shall remit to the authority the local sales and use tax collected on the authority's property. All other local sales and use taxes that would otherwise be imposed on authority property are abolished by the imposition of this tax.

(b) The comptroller shall administer, collect, and enforce a tax imposed under this article. Chapter 321, Tax Code, governs the computation, administration, governance, and use of the tax except as inconsistent with this article.

(c) An authority shall notify the comptroller in writing by registered or certified mail of the authority's creation and of its intent to impose the sales and use tax under this article. The authority shall provide to the comptroller all information required to implement the tax, including:

(1) an adequate map showing the property boundaries of the authority;

and

(2) a certified copy of the resolution of the authority board adopting the tax.

(d) Not later than the 30th day after the date the comptroller receives the notice, map, and other information, the comptroller shall inform the authority of whether the comptroller is prepared to administer the tax.

(e) At the same time an authority notifies the comptroller under Subsection (c) of this section, the authority shall notify each affected local governmental unit of the authority's creation and provide each with an adequate map showing the property boundaries of the authority.

(f) Not later than the 30th day after the date an authority adds territory to the authority, the authority shall notify the comptroller and each affected local governmental unit of the addition. The authority must include with each notification an adequate map showing the new boundaries of the authority and the date the additional territory was added. Not later than the 30th day after the

date the comptroller receives the notice under this subsection, the comptroller shall inform the authority of whether the comptroller is prepared to administer the tax in the additional territory.

(g) A tax imposed under this section or the abolition of a tax under Subsection (a) of this section takes effect on the first day of the first complete calendar quarter that occurs after the expiration of the first complete calendar quarter that occurs after the date the comptroller receives a notice of the action as required by this section.

Representative Kolkhorst moved to table Amendment No. 27.

A record vote was requested.

The motion to table was lost by (Record 601): 63 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Callegari; Campbell; Cook, B.; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, W.; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wong; Woolley.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Brown, F.; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Crabb; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Escobar; Farabee; Farrar; Flores; Frost; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hilderbran; Homer; Hopson; Hunter; Jones, D.; Jones, J.; Keffer, J.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Smithee; Solis; Solomons; Strama; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Gallego; Hodge; Peña.

Absent — Allen, R.; Brown, B.; Chisum; Giddings; Haggerty; Hochberg; Laubenberg; Zedler.

STATEMENT OF VOTE

When Record No. 601 was taken, I was temporarily out of the house chamber. I would have voted yes.

Zedler

A record vote was requested.

The vote of the house was taken on the adoption of Amendment No. 27 and the vote was announced yeas 69, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 602): 67 Yeas, 71 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Chisum; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Escobar; Farabee; Farrar; Flores; Frost; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Herrero; Hochberg; Homer; Hopson; Hunter; Jones, D.; Jones, J.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Solis; Strama; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Reyna; Riddle; Rose; Seaman; Smith, W.; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Gallego; Hodge; Peña.

Absent — Cook, R.; Goodman; Hughes; Pitts; Smithee.

The speaker stated that Amendment No. 27 failed of adoption by the above vote.

Amendment No. 28

Representative Kolkhorst offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. (a) Subchapter B, Chapter 224, Transportation Code, is amended by adding Section 224.034 to read as follows:

Sec. 224.034. LIMITATION ON SIZE. The entire width of a right-of-way of a state highway, including a turnpike that has been designated as part of the Trans-Texas Corridor, may not exceed 800 feet in width.

(b) This section applies only to a state highway construction project for which all or a part of the right-of-way has not been obtained on the effective date of this Act.

(Gallego now present)

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative Bonnen offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION to the bill and by renumbering the existing sections as appropriate:

SECTION _____. Section 203.031, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Within the existing boundaries of a controlled access highway, the commission shall make reasonable accommodations in the highway right-of-way for public utilities and common carriers.

Representative P. King moved to table Amendment No. 29.

The motion to table prevailed.

Amendment No. 30

Representative Coleman offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. MORATORIUM ON DEVELOPMENT OF TRANS-TEXAS CORRIDOR. (a) The Texas Department of Transportation and any other person may not use state, federal, or other funds to implement the plan for the Trans-Texas Corridor.

(b) A select committee is established to perform a comprehensive study of the Trans-Texas Corridor plan. The committee shall be composed of 15 members. Five members shall be appointed by the governor, five members shall be appointed by the lieutenant governor, and five members shall be appointed by the speaker of the house of representatives. The members of the committee shall elect one member as presiding officer. The committee shall hold meetings and public hearings at the call of the presiding officer. The committee shall make a complete report, including findings and recommendations and drafts of any legislation considered necessary, available to the public not later than October 1, 2006. Before October 1, 2006, copies of the report shall be delivered to the governor, the lieutenant governor, and the speaker of the house of representatives.

(c) This section of this Act expires September 1, 2007.

(d) This section of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section of this Act takes effect September 1, 2005.

Amendment No. 30 - Point of Order

Representative Krusee raised a point of order against further consideration of Amendment No. 30 under Rule 11, Section 2 of the House Rules on the grounds that a motion on a different subject was offered as the amendment.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 30.

Amendment No. 31

Representative Vo offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** by adding the following appropriately numbered sections to the bill and renumbering existing sections accordingly:

SECTION _____. Section 551.301, Transportation Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "Motor assisted scooter":

(A) means a self-propelled device with:

(i) [~~(A)~~] at least two wheels in contact with the ground during operation;

(ii) [~~(B)~~] a braking system capable of stopping the device under typical operating conditions;

(iii) [~~(C)~~] a gas or electric motor not exceeding 40 cubic centimeters;

(iv) [~~(D)~~] a deck designed to allow a person to stand or sit while operating the device; and

(v) [~~(E)~~] the ability to be propelled by human power alone; and

(B) does not include a pocket bike or minimotorbike.

(3) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

(A) a moped or motorcycle;

(B) an electric bicycle or motor-driven cycle, as defined by Section 541.201;

(C) a motorized mobility device, as defined by Section 542.009;

(D) an electric personal assistive mobility device, as defined by Section 551.201; or

(E) a neighborhood electric vehicle.

SECTION _____. Subchapter D, Chapter 551, Transportation Code, is amended by adding Section 551.304 to read as follows:

Sec. 551.304. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR MINIMOTORBIKE. This subchapter may not be construed to authorize the operation of a pocket bike or minimotorbike on any:

(1) highway, road, or street;

(2) path set aside for the exclusive operation of bicycles; or

(3) sidewalk.

Amendment No. 31 was adopted.

CSHB 2702, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Burnam, Dunnam, Farabee, Flynn, Guillen, Hamilton, Hardcastle, Isett, D. Jones, Keel, Menendez, Naishtat, Raymond, Rodriguez, Rose, Solomons, Talton, and Thompson recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hill requested permission for the Committee on Local Government Ways and Means to meet while the house is in session at 9 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local Government Ways and Means, 9 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**CSHB 2568 ON SECOND READING
(by Eiland)**

CSHB 2568, A bill to be entitled An Act relating to certain retired school employees and the powers and duties of the Teacher Retirement System of Texas.

(Talton in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Delisi requested permission for the Committee on Public Health to meet while the house is in session at 9:30 p.m. today, in 3W.9, for a formal meeting, to consider pending legislation in committee.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 9:30 p.m. today, 3W.9, for a formal meeting, to consider pending legislation in committee.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of appropriations business:

Gattis on motion of B. Cook.

CSHB 2568 - (consideration continued)

Amendment No. 1

Representative McReynolds offered the following amendment to **CSHB 2568**:

Amend **CSHB 2568** by Eiland as follows:

(1) On page 15, lines 18-25, strike Section 12 in its entirety and insert the following new Section 12.

SECTION 12. Section 825.110, Government Code, is amended to read as follows:

Section 825.110. DETERMINATION OF ANNUAL COMPENSATION. The board of trustees ~~may~~ shall adopt rules to exclude from annual compensation all or part of salary and wages in the final years of a member's

employment that reasonably can be presumed to have been derived from a conversion of fringe benefits, maintenance, or other payments not includable in annual compensation to salary and wages. The board of trustees [~~may~~] shall adopt rules that include a percentage limitation on the amount of increases in annual compensation that may be subject to credit and deposit during a member's final years of employment.

Amendment No. 1 was adopted.

Amendment No. 2

Representative McReynolds offered the following amendment to **CSHB 2568**:

Amend **CSHB 2568** by Eiland as follows:

(1) On page 12, line 26, replace "60" with "58".

(2) On page 15, revise lines 1 through 13 to read as follows:

<u>Age at date of retirement</u>	<u>50</u>	<u>51</u>	<u>52</u>	<u>53</u>	<u>54</u>	<u>55</u>	<u>56</u>	<u>57</u>	<u>58</u>
<u>Minimum years of service credit required</u>	<u>30</u>	<u>29</u>	<u>28</u>	<u>27</u>	<u>26</u>	<u>25</u>	<u>24</u>	<u>23</u>	<u>22</u>
<u>Percentage of standard annuity receivable</u>	<u>60%</u>	<u>65%</u>	<u>70%</u>	<u>75%</u>	<u>80%</u>	<u>85%</u>	<u>90%</u>	<u>95%</u>	<u>100%</u>

CSHB 2568 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 2568** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report does not contain a proper rulemaking authority statement.

(Speaker in the chair)

The speaker sustained the point of order.

The ruling precluded further consideration of **CSHB 2568**.

CSHB 2026 ON SECOND READING (by Hilderbran)

CSHB 2026, A bill to be entitled An Act relating to the taking and possession of certain wildlife or eggs, including requirements related to taxidermy and tanning and to harmful aquatic plants; imposing a penalty.

Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 2026**:

Amend **CSHB 2026** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. (a) The Parks and Wildlife Department shall conduct a study concerning the use and maintenance of the state parks account and the Texas recreation and parks account.

(b) The study conducted under Subsection (a) of this section must:

(1) evaluate the efficiency of the present use of revenue in both accounts or either account;

(2) identify potential new revenue sources for both accounts or either account; and

(3) identify innovative approaches to managing both accounts or either account.

(c) The Parks and Wildlife Department shall complete the study conducted under Subsection (a) of this section not later than September 1, 2006.

(d) Not later than January 1, 2007, the Parks and Wildlife Department shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the chair of each committee of the legislature that has primary oversight jurisdiction over the department a written report that summarizes the findings the study conducted under Subsection (a) of this section.

Amendment No. 1 was adopted.

Amendment No. 2

Representative McReynolds offered the following amendment to **CSHB 2026**:

Amend **CSHB 2026** (House Committee Printing) as follows:

(1) Insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 62.0065, Parks and Wildlife Code, as added by this Act, is intended to provide an enforcement tool to deter the unlawful hunting of deer with dogs in certain East Texas counties where the activity has historically occurred. Section 62.0065, Parks and Wildlife Code, as added by this Act, is not intended to prevent a person from engaging in lawful hunting activities, including hunting waterfowl, feral hogs, white-tailed deer, and red or gray squirrels, or trailing a wounded deer in counties where that is lawful.

SECTION _____. Subchapter A, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0065 to read as follows:

Sec. 62.0065. HUNTING DEER WITH DOGS. (a) Except as provided by Subsection (d), a person may not recklessly use a dog to hunt or pursue a deer in this state.

(b) The commission by rule may prescribe the type of firearm that may be possessed during an open deer season by a person who is in actual or constructive possession of a dog while in the field on another person's land or property in Angelina, Hardin, Harris, Harrison, Houston, Jasper, Jefferson, Liberty, Montgomery, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, or Walker County.

(c) It is not a defense to prosecution under Subsection (a) or to prosecution for violation of a rule adopted under Subsection (b) that the defendant was not the owner or in immediate possession of the dog or that the offense or violation was committed without the effective consent of the dog's owner.

(d) The commission by rule may authorize the use of dogs to trail wounded deer.

SECTION _____. Sections 62.013(b) and (c), Parks and Wildlife Code, are amended to read as follows:

(b) A person who violates Section 62.003, 62.004, 62.005, 62.0065, or 62.011(c), or a rule adopted under Section 62.0065 [of this code] commits an offense that is a Class A Parks and Wildlife Code misdemeanor, unless it is shown at the trial of the defendant for a violation of that section or rule, as appropriate, that the defendant has been convicted one or more times before the trial date of a violation of that section or rule, as appropriate, in which case the offense is a Parks and Wildlife Code state jail felony.

(c) In addition to the punishments provided in Subsections (a) and (b), a person who violates Section 62.003, 62.004, 62.005, 62.0065, or 62.011(c), or a rule adopted under Section 62.0065 [of this code] is punishable by the revocation or suspension under Section 12.5015 of hunting and fishing licenses and permits.

SECTION _____. Sections 62.017(a) and (c), Parks and Wildlife Code, are amended to read as follows:

(a) If a person is finally convicted of an offense under Section 61.022, 62.003, 62.004, 62.005, 62.0065, or 62.011(c), or violation of a rule adopted under Section 62.0065, the court entering judgment of conviction may order any weapon or other personal property used in the commission of the offense or violation destroyed or forfeited to the department.

(c) This section does not apply to a vehicle, aircraft, ~~or~~ vessel, or dog.

SECTION _____. Sections 12.5015(a), (b), and (c), Parks and Wildlife Code, are amended to read as follows:

(a) Except as provided by this section, any hunting or fishing license or permit issued by the department to a person is automatically revoked on final conviction of the person of an offense under Section 61.022, 62.003, 62.004, 62.005, 62.0065, 62.011(c), 66.004(a), or 66.004(c) or a violation of a rule adopted under Section 62.0065.

(b) If the holder of a lifetime license is finally convicted of an offense under Section 61.022, 62.003, 62.004, 62.005, 62.0065, 62.011(c), 66.004(a), or 66.004(c), or a violation of a rule adopted under Section 62.0065, the person's lifetime license is automatically suspended. The suspension is for a period set by the court of not less than one year or more than five years. If the court does not set a period, the suspension is for one year from the date the conviction becomes final.

(c) On conviction of a person for an offense under Section 61.022, 62.003, 62.004, 62.005, 62.0065, 62.011(c), 66.004(a), or 66.004(c), or a violation of a rule adopted under Section 62.0065, the court shall set a period of not less than one year and not more than five years during which the department may not issue that person a license, tag, or stamp under Chapter 42, 46, or 50. If the court does

not set a period, the department may not issue that person a license, tag, or stamp under Chapter 42, 46, or 50 before the first anniversary of the date the conviction becomes final.

(2) On page 14, line 26, strike "Section 12.409" and substitute "Sections 12.409, 12.5015, 62.013, and 62.017".

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Campbell offered the following amendment to **CSHB 2026**:

Amend **CSHB 2026** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. PERMIT TO CONTROL CERTAIN DEER CAUSING DEPREDATION

Sec. 43.651. APPLICATION OF SUBCHAPTER. This subchapter applies only to depredating antlerless white-tailed deer and to the taking of those deer. For purposes of this subchapter, a deer is antlerless if the deer does not have a visible antler.

Sec. 43.652. THREAT OF DAMAGE BY DEER. A person who has evidence showing that white-tailed deer historically have caused depredation to the person's agricultural or horticultural interests and who may desire to take the deer shall give written notice of the facts concerning the historical depredation to the department.

Sec. 43.653. APPLICATION FOR PERMIT. (a) Not later than the 30th day before the first date a person described by Section 43.652 intends to plant a crop that is susceptible to damage caused by white-tailed deer, the person may file with the department an application for a permit to take depredating deer.

(b) The application must be in writing and must contain:

(1) a statement of:

(A) facts relating to the damage historically caused by the deer; and

(B) the first date the person intends to plant a crop that is susceptible to damage caused by deer; and

(2) an agreement by the applicant to comply with the provisions of this subchapter relating to the disposition of any deer taken under the permit.

(c) The application must be accompanied by:

(1) a statement signed by an employee of the office of the Texas Cooperative Extension serving the area where the applicant's property is located verifying that:

(A) the applicant's property is typically used to plant a crop that is susceptible to damage caused by depredating deer; and

(B) damage caused by depredating deer is historically a problem on the applicant's property; and

(2) a statement by the applicant that the applicant or the applicant's agent or lessee uses the applicant's property for agricultural or horticultural purposes.

Sec. 43.654. PERMIT. (a) Except as provided by Section 43.658, not later than the 30th day after the date the department receives an application that complies with Section 43.653, the department may issue a permit for the taking of antlerless white-tailed deer causing depredation without regard to the closed season, bag limit, or means and methods. If the department issues a permit under this subsection, the department shall deliver the permit immediately to the permittee.

(b) A permit is valid from the date the permittee indicates on the permit application as the first date the permittee intends to plant a crop that is susceptible to damage caused by deer through the 30th day after that date. The permit must specify:

- (1) the cropland to which the permit applies; and
- (2) the persons permitted to take the deer.

(c) A permit is automatically extended for the 15 days immediately following the 30-day period described by Subsection (b) if the permittee, not later than the second day before the end of the 30-day period described by Subsection (b), notifies the department or a department employee of the permittee's intention to extend the permit.

Sec. 43.655. DISPOSITION OF DEER. (a) A permittee who takes deer under the authority of the permit shall dispose of any deer carcass in a manner that preserves as safe for human consumption as much of the carcass as possible and may donate the deer carcass to a charitable institution, hospital, or needy person.

(b) The permittee shall provide documentation on a form prescribed by the department to any person who receives a deer taken under this subchapter. The documentation must accompany the deer until the deer reaches a final destination and is finally processed. For purposes of this subsection, "final destination" and "final processing" have the meanings assigned by Section 42.001.

(c) On the expiration of a permit issued under this subchapter, the permittee shall report to the department on a form prescribed by the department the total number of deer taken under the permit.

Sec. 43.656. CANCELLATION OF PERMIT. The department may cancel a permit if the permit does not accomplish its intended purposes.

Sec. 43.657. VIOLATIONS; PENALTY. (a) A permittee may not dispose of a deer taken under a permit issued under this subchapter or allow the deer to be disposed of except as allowed under Section 43.655.

(b) A permittee may not violate a term or condition of the permit.

(c) A person who violates this section commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

Sec. 43.658. DENIAL OF PERMIT. The department may refuse to issue a permit under this subchapter to a person who previously has failed to submit to the department the report required by Section 43.655(c).

Sec. 43.659. PERMIT INFORMATION CONFIDENTIAL. The name of a permittee and the application for a permit and any information accompanying the application under this subchapter are confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 43.660. RULES. The commission may adopt rules as necessary to implement and enforce this subchapter.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hartnett offered the following amendment to **CSHB 2026**:

Amend **CSHB 2026** as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber the other SECTIONS of the bill accordingly:

SECTION ____. Section 42.10(e), Penal Code, is amended to read as follows:

(e) An offense under Subdivision [~~(1)~~ or] (5) of Subsection (a) is a Class A misdemeanor. An offense under Subdivision (1), (2), (3), or (4) of Subsection (a) is a state jail felony. An offense under Subdivision (6) of Subsection (a) is a Class C misdemeanor.

(2) On page 14, line 27, between "Code," and "as amended", insert "and Section 42.10(e), Penal Code,".

Amendment No. 4 was adopted.

CSHB 2026, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2233 ON SECOND READING **(by J. Keffer)**

CSHB 2233, A bill to be entitled An Act relating to state and certain local fiscal matters.

Amendment No. 1

Representative J. Keffer offered the following amendment to **CSHB 2233**:

Amend **CSHB 2233** as follows:

1. On page 1, line 11, between "collected" and "and", insert "not to exceed the amount added as the collection fee".

2. On page 11, lines 1 through 9, strike SECTION 20.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Ritter offered the following amendment to **CSHB 2233**:

Amend **CSHB 2233** (House committee printing) by adding the following SECTIONS to the bill, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. The heading to Section 2303.504, Government Code, as effective September 1, 2005, is amended to read as follows:

Sec. 2303.504. STATE TAX REFUNDS AND CREDITS; REPORT.

SECTION ____. Sections 2303.504 (a) and (c), Government Code, as effective September 1, 2005, are amended to read as follows:

(a) Subject to Section 2303.516, an enterprise project is entitled to:

(1) a refund of state taxes under Section 151.429, Tax Code; and

(2) a franchise tax credit under Subchapter P or Q, Chapter 171, Tax

Code.

(c) Not later than the 60th day after the last day of each fiscal year, the comptroller shall report to the bank the statewide total of actual jobs created, actual jobs retained, and the tax refunds and credits made under this section during that fiscal year.

SECTION ____. Sections 2303.516(b) and (d), Government Code, are amended to read as follows:

(b) The comptroller [bank] may determine that the business or project is not entitled to a refund or credit of state taxes under Section 2303.504(a) if the comptroller [bank] finds that:

(1) the business or project is not willing to cooperate with the comptroller [bank] in providing the comptroller [bank] with the information the comptroller [bank] needs to determine state benefits ~~[make the determination under Subsection (a)]~~; or

(2) the business or project has substantially failed to follow through on any commitments made by it or on its behalf under this chapter.

(d) A qualified business may obtain a state benefit, earned through a specific enterprise project designation, on completion of:

(1) a certification of the project or activity for completeness that is conducted ~~[an audit performed]~~ by the comptroller to verify ~~[that will certify]~~ hiring commitments of a qualified business under this chapter;

(2) a certification conducted by the comptroller to verify ~~[and]~~ eligible purchases of taxable items made by or on behalf of the [a] qualified business under this chapter; and

(3) a verification of the capital investment for the project or activity, conducted by the comptroller, to determine the level of benefit achieved by the qualified business.

SECTION ____. Section 2303.517, Government Code, is amended to read as follows:

Sec. 2303.517. REPORT. Before obtaining a state benefit, the qualified business must submit to the comptroller [bank] a certified report of the actual number of jobs created or retained and the capital investment made at or committed to the qualified business site.

SECTION ____. Section 151.429(a), Tax Code, as effective September 1, 2005, is amended to read as follows:

(a) An enterprise project is eligible for a refund in the amount provided by this section of the taxes imposed by this chapter on purchases of taxable items[-

~~[(1) equipment or machinery sold to an enterprise project for use at the qualified business site;~~

~~[(2) building materials sold to an enterprise project for use in remodeling, rehabilitating, or constructing a structure at the qualified business site;~~

~~[(3) labor for remodeling, rehabilitating, or constructing a structure by an enterprise project at the qualified business site; and~~

~~[(4) electricity and natural gas purchased and consumed in the normal course of business at the qualified business site].~~

SECTION __. Section 171.721(2), Tax Code, is amended to read as follows:

(2) "Strategic investment area" means an area that is determined by the comptroller under Section 171.726 that is:

(A) a county within this state with above state average unemployment and below state average per capita income;

(B) an area within this state that is a federally designated urban enterprise community, ~~[or]~~ an urban enhanced enterprise community, an empowerment zone and associated developable areas, or a renewal community; or

(C) a defense economic readjustment zone designated under Chapter 2310, Government Code.

SECTION __. Section 2303.516(c), Government Code, is repealed.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Dukes offered the following amendment to **CSHB 2233**:

Amend **CSHB 2233** as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. (a) Subchapter E, Chapter 152, Tax Code, is amended by adding Section 152.094 to read as follows:

Sec. 152.094. MOTOR VEHICLES USED IN TELEVISION, MOTION PICTURE, VIDEO, OR AUDIO PRODUCTIONS. (a) In this section, "nonbroadcast, industrial, or educational recorded material" means material produced for instructional, educational, sales, promotional, amusement, or entertainment purposes, regardless of the medium used or the manner displayed or transmitted. The term includes recording of events for sale to interested persons.

(b) The taxes imposed by this chapter do not apply to the purchase, rental, or use of a motor vehicle used exclusively in connection with the production for consideration of a television film, commercial, or program, nonbroadcast, industrial, or educational recorded material, a motion picture, or a video or audio recording, a copy of which is sold or offered for ultimate sale, licensed, distributed, broadcast, or otherwise commercially exhibited.

(c) The tax that would have been remitted on gross rental receipts without the exemption provided by this section is considered to have been remitted for the purpose of computing the minimum gross rental receipts tax imposed by Section 152.026.

(b) Subchapter C, Chapter 156, Tax Code, is amended by adding Section 156.105 to read as follows:

Sec. 156.105. EXCEPTION—PERSONS INVOLVED IN TELEVISION, MOTION PICTURE, VIDEO, OR AUDIO PRODUCTIONS. (a) In this section, "nonbroadcast, industrial, or educational recorded material" means material produced for instructional, educational, sales, promotional, amusement, or entertainment purposes, regardless of the medium used or the manner displayed or transmitted. The term includes recording of events for sale to interested persons.

(b) Subject to this section, this chapter does not impose a tax on a person involved exclusively in the production for consideration of a television film, commercial, or program, nonbroadcast, industrial, or educational recorded material, a motion picture, or a video or audio recording, a copy of which is sold or offered for ultimate sale, licensed, distributed, broadcast, or otherwise commercially exhibited, provided that the person has the right to use or possess a room in one hotel or in a series of two or more hotels for at least three consecutive days.

(c) A person otherwise excepted under this section shall pay the tax imposed by this chapter and is entitled to a refund of the amount of tax paid in accordance with Section 156.154.

(c) Section 156.154(a), Tax Code, is amended to read as follows:

(a) A governmental entity [~~that is~~] entitled under Section 156.103 or a person entitled under Section 156.105 to a refund of taxes paid under this chapter must file a refund claim with the comptroller.

(d) The change in law made by this section does not affect taxes imposed before the effective date of this section, and the law in effect before the effective date of this section is continued in effect for the purposes of the liability for and collection of those taxes.

(e) This section takes effect July 1, 2005, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on that date, this section takes effect October 1, 2005.

(2) On page 20, line 4, between "section" and the comma, insert "or as otherwise provided by this Act".

(3) On page 20, line 11, between "session" and the semicolon, insert ", except as otherwise provided by this Act".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Solomons offered the following amendment to **CSHB 2233**:

Amend **CSHB 2233** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Subtitle B, Title 3, Government Code, is amended by adding Chapter 320A to read as follows:

CHAPTER 320A. REVIEW OF STATE AND LOCAL TAXES

Sec. 320A.001. DEFINITION. In this chapter, "committee" means the select committee on revenue.

Sec. 320A.002. SELECT COMMITTEE ON REVENUE. (a) The select committee on revenue is composed of:

- (1) three members of the senate, appointed by the lieutenant governor;
- (2) three members of the house of representatives, appointed by the speaker of the house of representatives;
- (3) eight public members, of which:
 - (A) four are appointed by the governor;
 - (B) two are appointed by the lieutenant governor; and
 - (C) two are appointed by the speaker of the house of representatives; and
- (4) the comptroller.

(b) The speaker of the house of representatives shall select one member of the committee appointed under Subsection (a)(2) to serve as chair of the committee. The lieutenant governor shall select one member of the committee appointed under Subsection (a)(1) to serve as vice chair of the committee.

(c) The committee shall meet at the call of the chair.

(d) Members of the committee must be appointed not later than September 1 of the first odd-numbered year of each decade. Each member serves until the legislature convenes in regular session in the second odd-numbered year of the decade for which the member was appointed to serve.

Sec. 320A.003. PURPOSE; DUTIES. The committee shall meet to conduct studies and draft proposed legislation regarding state and local taxation. In conducting studies, the committee shall:

- (1) evaluate the impact of state and local taxation and the expenditures of the state and local tax revenue on economic development in this state;
- (2) examine the relationship between:
 - (A) taxes and other revenue sources and the revenue needs of the state government and local governments, with particular consideration given to projected demographic trends in this state; and
 - (B) the tax burden imposed on taxpayers, categorized by household income level or business sector, as applicable, and the benefits those taxpayers receive from government expenditures in this state;
- (3) evaluate state and local taxes and develop recommendations for retaining or repealing certain taxes or for amending a provision related to the tax; and
- (4) make recommendations for retaining, repealing, or amending tax credits, exemptions, discounts, exclusions, special valuations, special accounting treatments, special rates, and special methods of reporting.

Sec. 320A.004. REPORT. The committee shall present to the legislature and the governor a report on the studies conducted and the recommendations developed by the committee under Section 320A.003. The report must include drafts of any proposed legislation needed to carry out the committee's recommendations.

Sec. 320A.005. STAFF. (a) The committee may hire staff as the committee determines necessary.

(b) On the request of the committee, the Legislative Budget Board, the Texas Legislative Council, the office of the governor, the comptroller, the senate, and the house of representatives shall provide other staff necessary to carry out the duties of the committee.

Sec. 320A.006. COOPERATION OF OTHER STATE ENTITIES. The committee may request the assistance of any state agency, department, or office if the committee needs assistance to discharge the committee's duties. The agency, department, or office shall provide the requested assistance.

Sec. 320A.007. EXPENSES. The operating expenses of the committee shall be paid from available funds of the office of the governor and the contingent expense funds of the senate and the house of representatives, as agreed by those entities. The committee members are entitled to reimbursement from those funds for expenses incurred by the members in carrying out this chapter.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Solomons offered the following amendment to **CSHB 2233**:

Amend **CSHB 2233** as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) Subchapter L, Chapter 151, Tax Code, is amended by adding Section 151.715 to read as follows:

Sec. 151.715. COLLECTION OF AMOUNTS IN EXCESS OF TAX IMPOSED; CIVIL PENALTY. (a) A person may not collect as a tax imposed by this chapter:

(1) any amount that exceeds the tax actually imposed by this chapter on the sale of a taxable item; or

(2) any amount on the sale of an item that is exempt from the tax imposed by this chapter.

(b) The comptroller shall send a written notice to a person who violates Subsection (a) that directs the person to cease collecting amounts described by that subsection. If, after the person receives two written notices from the comptroller, the person continues collecting an amount described by that subsection, the person shall pay a penalty of \$1,000 for each sale on which the person collects an amount described by that subsection.

(c) The penalty provided by this section is assessed without regard to whether the person against whom the penalty is assessed remits to the comptroller the excess amounts collected.

(b) Section 151.715, Tax Code, as added by this section, applies only to the sale of an item that occurs on or after the effective date of this section. The sale of an item that occurs before the effective date of this section is governed by the law in effect on the date the sale occurred, and the former law is continued in effect for that purpose.

(2) On page 20, line 24, strike "and".

(3) On page 20, line 26, between "Code" and the period, insert the following:
; and

(3) Section 151.715, Tax Code

Amendment No. 5 was adopted.

Amendment No. 6

Representative Krusee offered the following amendment to **CSHB 2233**:

Amend **CSHB 2233** by inserting the following appropriately numbered sections to read as follows and renumbering subsequent sections accordingly:

SECTION _____. Sections 162.001(20) and (43), Tax Code, are amended to read as follows:

(20) "Distributor" means a person who acquires motor fuel from a licensed supplier, permissive supplier, or another licensed distributor and who makes sales at wholesale and whose activities may also include sales at retail. The term includes a person engaged in the tax-free sale of dyed diesel fuel to marine vessels.

(43) "Motor fuel transporter" means a person who transports gasoline, diesel fuel, or gasoline blended fuel for hire outside the bulk transfer/terminal system by means of a transport vehicle, a railroad tank car, or a marine vessel.

SECTION _____. Section 162.004(b), Tax Code, is amended to read as follows:

(b) The shipping document issued by the terminal operator or operator of a bulk plant shall contain the following information and any other information required by the comptroller:

(1) the terminal control number of the terminal or physical address of the bulk plant from which the motor fuel was received;

(2) the name [~~and license number~~] of the purchaser;

(3) the date the motor fuel was loaded;

(4) the net gallons loaded, or the gross gallons loaded if the fuel was purchased from a bulk plant;

(5) the destination state of the motor fuel, as represented by the purchaser of the motor fuel or the purchaser's agent; and

(6) a description of the product being transported.

SECTION _____. Section 162.016(a), Tax Code, is amended to read as follows:

(a) A person may not import motor fuel to a destination in this state or export motor fuel to a destination outside this state by any means unless the person possesses a shipping document for that fuel created by the terminal or bulk plant at which the fuel was received. The shipping document must include:

- (1) the name and physical address of the terminal or bulk plant from which the motor fuel was received for import or export;
- (2) the name [~~and federal employer identification number, or the social security number if the employer identification number is not available,~~] of the carrier transporting the motor fuel;
- (3) the date the motor fuel was loaded;
- (4) the type of motor fuel;
- (5) the number of gallons:
 - (A) in temperature-adjusted gallons if purchased from a terminal for export or import; or
 - (B) in temperature-adjusted gallons or in gross gallons if purchased from a bulk plant;
- (6) the destination of the motor fuel as represented by the purchaser of the motor fuel and the number of gallons of the fuel to be delivered, if delivery is to only one state;
- (7) the name [~~, federal employer identification number, license number, and physical address~~] of the purchaser of the motor fuel;
- (8) the name of the person responsible for paying the tax imposed by this chapter, as given to the terminal by the purchaser if different from the licensed supplier or distributor; and
- (9) any other information that, in the opinion of the comptroller, is necessary for the proper administration of this chapter.

SECTION _____. Section 162.113(d), Tax Code, is amended to read as follows:

(d) The supplier or permissive supplier shall [~~has the right~~], after notifying the comptroller of the licensed distributor's or licensed importer's failure to remit taxes under this section, [~~to~~] terminate the ability of the licensed distributor or licensed importer to defer the payment of gasoline tax. The supplier or permissive supplier shall reinstate without delay the right of the licensed distributor or licensed importer to defer the payment of gasoline tax after the comptroller provides to the supplier or permissive supplier notice that the licensed distributor or licensed importer is in good standing with the comptroller for the purposes of the gasoline tax imposed under this subchapter.

SECTION _____. Section 162.115, Tax Code, is amended by adding Subsection (m-1) to read as follows:

(m-1) In addition to the records specifically required by this section, a license holder shall keep any other record required by the comptroller.

SECTION _____. Sections 162.116(a) and (d), Tax Code, are amended to read as follows:

(a) The monthly return and supplements of each supplier and permissive supplier shall contain for the period covered by the return:

- (1) [~~the number of net gallons of gasoline received by the supplier or permissive supplier during the month, sorted by product code, seller, point of origin, destination state, carrier, and receipt date;~~

~~(2)~~ the number of net gallons of gasoline removed at a terminal rack during the month from the account of the supplier, sorted by product code, person receiving the gasoline, terminal code, and carrier;

(2) ~~(3)~~ the number of net gallons of gasoline removed during the month for export, sorted by product code, person receiving the gasoline, terminal code, destination state, and carrier;

(3) ~~(4)~~ the number of net gallons of gasoline removed during the month from a terminal located in another state for conveyance to this state, as indicated on the shipping document for the gasoline, sorted by product code, person receiving the gasoline, terminal code, and carrier;

(4) ~~(5)~~ the number of net gallons of gasoline the supplier or permissive supplier sold during the month in transactions exempt under Section 162.104, sorted by ~~[product code, carrier,]~~ purchaser ~~[, and terminal code;~~

~~(6) the number of net gallons of gasoline sold in the bulk transfer/terminal system in this state to any person not holding a supplier's or permissive supplier's license];~~ and

(5) ~~(7)~~ any other information required by the comptroller.

(d) For purposes of Subsection (c), all payments or credits in reduction of a customer's account must be applied ratably between motor fuels and other goods sold to the customer, and the credit allowed will be the tax on the number of gallons represented by the motor fuel portion of the credit. The comptroller may not require a supplier or permissive supplier to remit from a payment or credit in reduction of a customer's account any tax for which the supplier or permissive supplier was allowed to take a credit.

SECTION _____. Section 162.118, Tax Code, is amended to read as follows:

Sec. 162.118. INFORMATION REQUIRED ON DISTRIBUTOR'S RETURN. The monthly return and supplements of each distributor shall contain for the period covered by the return:

(1) the number of net gallons of gasoline received by the distributor during the month, sorted by product code and~~;~~ seller ~~[, point of origin, destination state, carrier, and receipt date];~~

(2) the number of net gallons of gasoline removed at a terminal rack by the distributor during the month, sorted by product code, seller, and terminal code ~~[, and carrier];~~

(3) the number of net gallons of gasoline removed by the distributor during the month for export, sorted by product code, terminal code, bulk plant address, destination state, and carrier;

(4) the number of net gallons of gasoline removed by the distributor during the month from a terminal located in another state for conveyance to this state, as indicated on the shipping document for the gasoline, sorted by product code, seller, terminal code, bulk plant address, and carrier;

(5) the number of net gallons of gasoline the distributor sold during the month in transactions exempt under Section 162.104, sorted by product code and purchaser; and

(6) any other information required by the comptroller.

SECTION _____. Section 162.123, Tax Code, is amended to read as follows:

Sec. 162.123. INFORMATION REQUIRED ON BLENDER'S RETURN. The monthly return and supplements of each blender shall contain for the period covered by the return:

(1) ~~[the number of net gallons of gasoline received by the blender during the month, sorted by product code, seller, point of origin, carrier, and receipt date;~~

~~[(2)]~~ the number of net gallons of product blended with gasoline during the month, sorted by product code, type of blending agent if no product code exists, seller, and carrier;

~~[(3) the number of net gallons of blended gasoline sold during the month and the license number or name and address of the entity receiving the blended gasoline;]~~ and

~~(2)~~ ~~[(4)]~~ any other information required by the comptroller.

SECTION _____. Section 162.127, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) The comptroller shall issue a refund warrant to a distributor not later than the 60th day after the date the comptroller receives a valid refund claim from the distributor. If the comptroller does not issue the refund warrant by that date, the amount of the refund draws interest at the rate provided by Section 111.060 beginning on the 61st day after the date the comptroller receives the valid refund claim and ending on the date the comptroller issues the refund warrant.

SECTION _____. Section 162.206, Tax Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (h-1) to read as follows:

(c) A person may not make a tax-free purchase and a licensed supplier or distributor may not make a tax-free sale to a purchaser of any dyed diesel fuel under this section using a signed statement for the first sale or purchase and for any subsequent sale or purchase:-

~~(1) for the purchase or the sale of more than 7,400 gallons of dyed diesel fuel in a single delivery; or~~

~~[(2)] in a calendar month for [in which the person has previously purchased from all sources or in which the licensed supplier has previously sold to that purchaser]~~ more than:

~~(1)~~ ~~[(A)]~~ 10,000 gallons of dyed diesel fuel;

~~(2)~~ ~~[(B)]~~ 25,000 gallons of dyed diesel fuel if the purchaser stipulates in the signed statement that all of the fuel will be consumed by the purchaser in the original production of, or to increase the production of, oil or gas and furnishes the supplier with a letter of exception issued by the comptroller; or

~~(3)~~ ~~[(C)]~~ 25,000 gallons of dyed diesel fuel if the purchaser stipulates in the signed statement that all of the fuel will be consumed by the purchaser in agricultural off-highway equipment.

(c-1) The monthly limitations prescribed by Subsection (c) apply regardless of whether the dyed diesel fuel is purchased in a single transaction during that month or in multiple transactions during that month.

(h-1) For purposes of this section, the purchaser is considered to have furnished the signed statement to the licensed supplier or distributor if the supplier or distributor verifies that the purchaser has an end user number issued by the comptroller. The licensed supplier or distributor shall use the comptroller's Internet website or other materials provided or produced by the comptroller to verify this information.

SECTION _____. Section 162.214(d), Tax Code, is amended to read as follows:

(d) The supplier or permissive supplier ~~shall [has the right]~~, after notifying the comptroller of the licensed distributor's or licensed importer's failure to remit taxes under this section, ~~[to]~~ terminate the ability of the licensed distributor or licensed importer to defer the payment of diesel fuel tax. The supplier or permissive supplier shall reinstate without delay the right of the licensed distributor or licensed importer to defer the payment of diesel fuel tax after the comptroller provides to the supplier or permissive supplier notice that the licensed distributor or licensed importer is in good standing with the comptroller for the purposes of diesel fuel tax imposed under this subchapter.

SECTION _____. Section 162.216, Tax Code, is amended by adding Subsection (m-1) to read as follows:

(m-1) In addition to the records specifically required by this section, a license holder shall keep any other record required by the comptroller.

SECTION _____. Sections 162.217(a) and (d), Tax Code, are amended to read as follows:

(a) The monthly return and supplements of each supplier and permissive supplier shall contain for the period covered by the return:

(1) ~~[the number of net gallons of diesel fuel received by the supplier or permissive supplier during the month, sorted by product code, seller, point of origin, destination state, carrier, and receipt date;~~

~~[(2)]~~ the number of net gallons of diesel fuel removed at a terminal rack during the month from the account of the supplier, sorted by product code, person receiving the diesel fuel, terminal code, and carrier;

~~(2)~~ ~~[(3)]~~ the number of net gallons of diesel fuel removed during the month for export, sorted by product code, person receiving the diesel fuel, terminal code, destination state, and carrier;

~~(3)~~ ~~[(4)]~~ the number of net gallons of diesel fuel removed during the month from a terminal located in another state for conveyance to this state, as indicated on the shipping document for the diesel fuel, sorted by product code, person receiving the diesel fuel, terminal code, and carrier;

~~(4)~~ ~~[(5)]~~ the number of net gallons of diesel fuel the supplier or permissive supplier sold during the month in transactions exempt under Section 162.204, sorted by ~~[product code, carrier,]~~ purchaser~~[-, and terminal code;~~

~~[(6)] the number of net gallons of diesel fuel sold in the bulk transfer/terminal system in this state to any person not holding a supplier's or permissive supplier's license]; and~~

~~(5)~~ ~~[(7)]~~ any other information required by the comptroller.

(d) For the purpose of Subsection (c), all payments or credits in reduction of a customer's account must be applied ratably between motor fuels and other goods sold to the customer, and the credit allowed will be the tax on the number of gallons represented by the motor fuel portion of the credit. The comptroller may not require a supplier or permissive supplier to remit from a payment or credit in reduction of a customer's account any tax for which the supplier or permissive supplier was allowed to take a credit.

SECTION _____. Section 162.219, Tax Code, is amended to read as follows:

Sec. 162.219. INFORMATION REQUIRED ON DISTRIBUTOR'S RETURN. The monthly return and supplements of each distributor shall contain for the period covered by the return:

(1) the number of net gallons of diesel fuel received by the distributor during the month, sorted by product code and[?] seller [~~-, point of origin, destination state, carrier, and receipt date~~];

(2) the number of net gallons of diesel fuel removed at a terminal rack by the distributor during the month, sorted by product code, seller, and terminal code[~~-, and carrier~~];

(3) the number of net gallons of diesel fuel removed by the distributor during the month for export, sorted by product code, terminal code, bulk plant address, destination state, and carrier;

(4) the number of net gallons of diesel fuel removed by the distributor during the month from a terminal located in another state for conveyance to this state, as indicated on the shipping document for the diesel fuel, sorted by product code, seller, terminal code, bulk plant address, and carrier;

(5) the number of net gallons of diesel fuel the distributor sold during the month in transactions exempt under Section 162.204, sorted by product code and by the entity receiving the diesel fuel;

(6) the number of net gallons of[?] dyed diesel fuel sold to a purchaser under a signed statement[?] or dyed diesel fuel sold to a dyed diesel fuel bonded user, sorted by product code and by the entity receiving the diesel fuel; and

(7) [~~(6)~~] any other information required by the comptroller.

SECTION _____. Section 162.224, Tax Code, is amended to read as follows:

Sec. 162.224. INFORMATION REQUIRED ON BLENDER'S RETURN. The monthly return and supplements of each blender shall contain for the period covered by the return:

(1) [~~the number of net gallons of diesel fuel received by the blender during the month, sorted by product code, seller, point of origin, carrier, and receipt date~~;

(2)] the number of net gallons of product blended with diesel fuel during the month, sorted by product code, type of blending agent if no product code exists, seller, and carrier;

(3) [~~the number of net gallons of blended diesel fuel sold during the month and the license number or name and address of the entity receiving the blended diesel fuel~~]; and

(2) [~~(4)~~] any other information required by the comptroller.

SECTION _____. Section 162.229, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) The comptroller shall issue a refund warrant to a distributor not later than the 60th day after the date the comptroller receives a valid refund claim from the distributor. If the comptroller does not issue the refund warrant by that date, the amount of the refund draws interest at the rate provided by Section 111.060 beginning on the 61st day after the date the comptroller receives the valid refund claim and ending on the date the comptroller issues the refund warrant.

SECTION _____. Section 162.230(d), Tax Code, is amended to read as follows:

(d) A supplier, [~~or~~] permissive supplier, or distributor that determines taxes were erroneously reported and remitted or that paid more taxes than were due to this state because of a mistake of fact or law may take a credit on the monthly tax report on which the error has occurred and tax payment made to the comptroller. The credit must be taken before the expiration of the applicable period of limitation as provided by Chapter 111.

SECTION _____. Sections 162.404(c) and (d), Tax Code, are amended to read as follows:

(c) The prohibition under Section 162.403(32) does not apply to the tax-free sale or distribution of diesel fuel authorized by Section 162.204(a)(1) [~~162.204(1)~~], (2), or (3).

(d) The prohibition under Section 162.403(33) does not apply to the tax-free sale or distribution of gasoline under Section 162.104(a)(1) [~~162.104(1)~~], (2), or (3).

SECTION _____. Section 162.016(h), Tax Code, is repealed.

Amendment No. 6 was adopted.

Amendment No. 7

Representatives Alonzo, Guillen, Chavez, and Solis offered the following amendment to **CSHB 2233**:

Amend **CSHB 2233** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. Subchapter B, Chapter 466, Government Code, is amended by adding Section 466.0145 to read as follows:

Sec. 466.0145. INTERNET TICKET SALES AND PRIZE REDEMPTION BY COMMISSION. (a) The commission may establish a system and procedures necessary to sale lottery tickets through an Internet debit transaction in which a player, over the Internet, authorizes payment for a ticket by using:

(1) an automatic teller machine card or debit card;

(2) a debit account;

(3) an account established with the commission; or

(4) some other system established by the commission that provides a practical means for the player to purchase a ticket over the Internet.

(b) The commission may provide for the redemption of lottery prizes over the Internet for persons who have purchased tickets under Subsection (a).

(c) Participation in a lottery under this section is not considered to be playing a lottery game by telephone under Section 466.015(b).

SECTION __. Section 466.3052(a), Government Code, is amended to read as follows:

(a) A person commits an offense if the person intentionally or knowingly sells a ticket and the person accepts anything other than the following as payment for the ticket:

- (1) United States currency;
- (2) a negotiable instrument in the form of a check that meets the requirements of Section 3.104, Business & Commerce Code;
- (3) a debit made through a financial institution debit card;
- (4) a coupon or voucher issued by the commission for purposes of purchasing a lottery ticket; ~~or~~
- (5) a mail order subscription on a mail order subscription form authorized by the commission; or
- (6) for an Internet transaction authorized under Section 466.0145, a debit made to a debit account or an account established with the commission or some other payment method authorized for use with a system established by the commission under that section.

SECTION __. Section 466.355(b), Government Code, is amended to read as follows:

(b) Money in the state lottery account may be used only for the following purposes and shall be distributed as follows:

- (1) the payment of prizes to the holders of winning tickets;
- (2) the payment of costs incurred in the operation and administration of the lottery, including any fees received by a lottery operator, provided that the costs incurred in a fiscal biennium may not exceed an amount equal to 12 percent of the gross revenue accruing from the sale of tickets in that biennium;
- (3) the establishment of a pooled bond fund, lottery prize reserve fund, unclaimed prize fund, and prize payment account; and
- (4) the balance, after creation of a reserve sufficient to pay the amounts needed or estimated to be needed under Subdivisions (1) through (3), to be transferred ~~[to the foundation school fund,]~~ on or before the 15th day of each month as follows:

(A) five percent to the general revenue fund for use only to fund economic development and job training in counties that are adjacent to this state's border with the United Mexican States and that have an unemployment rate that averaged more than 10 percent for the most recent two consecutive years for which statistics are available; and

(B) the remainder to the foundation school fund.

SECTION __. Section 481.078, Government Code, is amended by adding Subsection (g) to read as follows:

(g) At least five percent of the money granted from the fund must be awarded to recipients located in counties that are adjacent to this state's border with the United Mexican States and that have an unemployment rate that averaged more than 10 percent for the most recent two consecutive years for which statistics are available.

SECTION __. Section 303.003(e), Labor Code, is amended to read as follows:

(e) It is the intent of the legislature that, to the greatest extent practicable, money from the skills development fund shall be spent in all areas of this state, except that at least five percent of the money must be spent in counties that are adjacent to this state's border with the United Mexican States and that have an unemployment rate that averaged more than 10 percent for the most recent two consecutive years for which statistics are available.

SECTION __. Subchapter C, Chapter 57, Utilities Code, is amended by adding Section 57.0478 to read as follows:

Sec. 57.0478. GRANTS AND LOANS TO CERTAIN COUNTIES. At least five percent of the money granted or loaned under this subchapter must be distributed to counties that are adjacent to this state's border with the United Mexican States and that have an unemployment rate that averaged more than 10 percent for the most recent two consecutive years for which statistics are available.

SECTION __. Section 57.051, Utilities Code, is repealed.

Representative J. Keffer moved to table Amendment No. 7.

The motion to table prevailed.

CSHB 2233, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

The following resolutions were laid before the house and read second time:

(Gattis now present)

HJR 79 ON SECOND READING (by Krusee)

HJR 79, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.

A record vote was requested.

HJR 79 was adopted by (Record 603): 124 Yeas, 11 Nays, 3 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Phillips; Puente; Quintanilla; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Burnam; Farrar; Gonzales; Herrero; Leibowitz; Menendez; Olivo; Pickett; Raymond; Riddle.

Present, not voting — Mr. Speaker(C); Hilderbran; Jones, J.

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Coleman; Dunnam; Hill; Hughes; Merritt; Pitts; Smith, T.

STATEMENT OF VOTE

When Record No. 603 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSSB 1670 ON SECOND READING (Callegari - House Sponsor)

CSSB 1670, A bill to be entitled An Act relating to a motor vehicle financial responsibility verification program; providing a penalty.

CSSB 1670 was read second time earlier today, amended, and was postponed until this time.

Amendment No. 2

Representative Callegari offered the following amendment to **CSSB 1670**:

Amend **CSSB 1670** (House Committee Printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection (a), Section 601.453, Transportation Code, between "agent" and "to" (page 2, line 22), insert "or state agency".

(2) In SECTION 1 of the bill, in added Subsection (b), Section 601.453, Transportation Code, between "agent" and the underlined period (page 2, line 24), insert "or state agency".

(3) In SECTION 1 of the bill, in added Subsection (a), Section 601.454, Transportation Code, between "agent" and "to" (page 3, line 3), insert "or state agency".

(4) In SECTION 1 of the bill, in added Subsection (a), Section 601.454, Transportation Code, between "agent's" and "contract" (on page 3, line 4), insert "or state agency's".

(5) In SECTION 1 of the bill, in added Subsection (b), Section 601.454, Transportation Code, between "agent" and "is" (page 3, line 6), insert "or state agency".

(6) In SECTION 1 of the bill, in added Subsection (c), Section 601.454, Transportation Code, between "agent" and "may" (page 3, line 11), insert "or state agency".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Callegari offered the following amendment to **CSSB 1670**:

Amend **CSSB 1670** by striking SECTION 4 of the bill and substituting the following:

SECTION 4. The Texas Department of Transportation shall select an agent required by Section 601.453, Transportation Code, as added by this Act, before December 31, 2005. The agencies responsible for implementing Subchapter N, Chapter 601, Transportation Code, as added by this Act, shall adopt rules and establish and publish a user guide clearly specifying requirements and procedures for providing information under the verification program under that subchapter not later than four months before the full implementation of the program. Those implementing agencies shall require full implementation of the financial responsibility verification program for vehicles covered under a personal automobile insurance policy before December 31, 2006, and implementation of that program for vehicles covered under a commercial insurance policy when the implementing agencies determine that implementation for vehicles covered under a commercial insurance policy is feasible.

Amendment No. 3 was adopted.

Amendment No. 4

Representatives Taylor and Menendez offered the following amendment to **CSSB 1670**:

Amend **CSSB 1670** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 501.153(h), Transportation Code, is amended to read as follows:

(h) This section does not prevent a person from registering a motor vehicle by mail or through an electronic submission, provided the mail or electronic submission includes submission of evidence of financial responsibility as provided by this section.

SECTION ____ . Section 501.153(j), Transportation Code, is repealed.

SECTION ____ . Section 521.143(a), Transportation Code, is amended to read as follows:

(a) An application for an original driver's license or for renewal of a driver's license must be accompanied by evidence of financial responsibility or a statement that the applicant does not own a motor vehicle for which evidence of financial responsibility is required under Chapter 601. ~~[The department may require an application for a renewal of a driver's license to be accompanied by evidence of financial responsibility or a statement that the applicant does not own a motor vehicle for which evidence of financial responsibility is required under Chapter 601.]~~

Amendment No. 4 was adopted.

CSSB 1670, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2573 - LAID ON THE TABLE SUBJECT TO CALL

Representative Callegari moved to lay **CSHB 2573** on the table subject to call.

The motion prevailed.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 2842 ON THIRD READING (by Chisum)

HB 2842, A bill to be entitled An Act relating to the provision of false information to an independent public accounting firm by a public interest entity; providing a criminal penalty.

Amendment No. 1

Representative Hughes offered the following amendment to **HB 2842**:

Amend **HB 2842** (Second Reading Engrossment) on page 2, line 17, between "entity" and the semicolon, by inserting "and that conduct renders the financial statements materially misleading".

Amendment No. 1 was adopted.

HB 2842, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Eissler recorded voting no.)

HB 3253 ON THIRD READING
(by Ritter)

HB 3253, A bill to be entitled An Act relating to the use of certain electronically readable information on a driver's license or identification certificate to comply with certain alcohol and tobacco related laws; providing a penalty.

HB 3253 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1132 ON THIRD READING
(by Haggerty)

HB 1132, A bill to be entitled An Act relating to the regulation of and rights of private security personnel; providing a penalty.

HB 1132 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

HB 843 ON THIRD READING
(by Truitt and Riddle)

HB 843, A bill to be entitled An Act relating to the authority of certain counties to regulate the construction of certain communication facilities in certain circumstances; providing a penalty.

A record vote was requested.

HB 843 was passed by (Record 604): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith,

T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Pitts.

HB 2218 ON THIRD READING

(by McCall)

HB 2218, A bill to be entitled An Act relating to the regulation of money services businesses; providing a penalty.

HB 2218 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 209 ON THIRD READING

(by Goodman)

HB 209, A bill to be entitled An Act relating to challenging an acknowledgment of paternity executed by a minor.

HB 209 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 401 ON THIRD READING

(by Villarreal)

HB 401, A bill to be entitled An Act relating to the use of volunteer income tax assistance programs by persons who owe delinquent child support.

HB 401 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Riddle recorded voting no.)

HB 3335 ON THIRD READING

(by Hartnett)

HB 3335, A bill to be entitled An Act relating to the report, delivery, and claims process concerning certain unclaimed property.

HB 3335 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1921 ON THIRD READING
(by R. Allen, Zedler, and Otto)

HB 1921, A bill to be entitled An Act relating to the civil commitment of sexually violent predators.

HB 1921 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2945 ON THIRD READING
(by Eiland)

HB 2945, A bill to be entitled An Act relating to participation in the optional retirement program by certain employees of institutions of higher education.

Amendment No. 1

On behalf of Representative Alonzo, Representative Eiland offered the following amendment to **HB 2945**:

Amend **HB 2945** (House Committee Printing) by adding the following appropriately numbered SECTION of the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Subchapter H, Chapter 51, Education Code, is amended by adding Section 51.4021 to read as follows:

Sec. 51.4021. STUDY AND REPORT OF PREDICTED FACULTY RETIREMENT. (a) In this section, "general academic teaching institution," "governing board," and "university system" have the meanings assigned by Section 61.003.

(b) To address the predicted retirement of a growing portion of university faculty in the coming years as a result of aging and the potential problems associated with that retirement, each general academic teaching institution shall conduct a study relating to faculty member retirements that may occur through the end of the 2025 academic year, including projections of the number and proportion of faculty members expected to retire during that period, the first academic year in which increasing retirements are expected to result in faculty shortages, and methods that the institution could reasonably implement to address those retirement issues through recruitment of new faculty members or other means. The governing board of an institution may appoint a committee to conduct the study. A university system may carry out the requirements prescribed by this subsection for the system's component institutions or may direct one or more component institutions to conduct the study for the system.

(c) Each general academic teaching institution or university system, as applicable, shall prepare a report based on the study required by Subsection (b). The institution or system shall submit the report to the Texas Higher Education Coordinating Board not later than September 1, 2006.

(d) This section expires January 1, 2007.

Amendment No. 1 was adopted.

HB 2945, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1765 ON THIRD READING

(by **Morrison, Ritter, Kolkhorst, Deshotel, McCall, et al.**)

HB 1765, A bill to be entitled An Act relating to the creation of programs and funding for emerging technology industries.

Amendment No. 1

Representative Morrison offered the following amendment to **HB 1765**:

Amend **HB 1765** as follows:

(1) On page 3, line 15, delete the word "and"

On page 3, between lines 15 and 16, add:

(5) a representative of the lieutenant governor's office involved in economic development activities;

(6) a representative of the office of the speaker of the house involved in economic development activities; and

Renumber existing item (5) to item (7).

(2) On page 6, line 3, strike "may" and substitute "shall"

On page 6, line 4, insert a period after the word "money"

On page 6, line 4, strike the words "specifying that" and substitute "an agreement may specify that:"

Amendment No. 1 was adopted.

A record vote was requested.

HB 1765, as amended, was passed by (Record 605): 136 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Herrero.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Alonzo; Crabb; Driver; Gonzalez Toureilles; Grusendorf; Krusee; Pitts.

REASON FOR VOTE

Although the New and Emerging Technology Fund may be a good plan for the purpose of stimulating economic development in our state, its funding requirements and implementation are not appropriate at this time when compared to Texas' social and educational concerns that demand immediate attention and funding. Given the lack of funding and attention being allocated to date to address these issues, I must vote against this bill.

Herrero

HB 2894 ON THIRD READING (by Phillips)

HB 2894, A bill to be entitled An Act relating to the marketing and sale of certain license plates by a private vendor.

A record vote was requested.

HB 2894 was passed by (Record 606): 140 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Herrero; Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Dukes; Pitts.

HB 3318 ON THIRD READING**(by B. Brown)**

HB 3318, A bill to be entitled An Act relating to continuing education requirements for renewal of a structural pest control business license.

HB 3318 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Phillips recorded voting no.)

HB 49 ON THIRD READING**(by T. Smith)**

HB 49, A bill to be entitled An Act relating to the punishment prescribed for certain repeat intoxication offenders.

HB 49 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2984 ON THIRD READING**(by West)**

HB 2984, A bill to be entitled An Act relating to the composition of and use of money in the oil-field cleanup fund.

A record vote was requested.

HB 2984 was passed by (Record 607): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Haggerty; Hochberg; McClendon; Pitts; Truitt.

HB 51 ON THIRD READING
(by T. Smith, Peña, et al.)

HB 51, A bill to be entitled An Act relating to the punishment prescribed for and conditions of community supervision imposed on certain persons who commit intoxication offenses.

HB 51 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 251 ON THIRD READING
(by Eissler)

HB 251, A bill to be entitled An Act relating to the release of certain information regarding a workers' compensation claim.

Amendment No. 1

Representative Leibowitz offered the following amendment to **HB 251**:

Amend **HB 251** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS appropriately:

SECTION ____ . Section 671.013, Health and Safety Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) Except as provided by Subsection (e), an autopsy report released in connection with the determination of the cause of death in relation to a workers' compensation claim under Subsection (a) shall be released not later than the 15th business day after the date the request is received from the authorized person.

(e) If the report has not been filed as provided by Section 671.012, a representative of the office designated by the autopsy order shall, not later than the 10th business day after the date of the request, notify the requesting person that the report has not been filed and of the date, to the best of the knowledge of the representative, that the requesting person may anticipate receiving the report.

Amendment No. 1 was adopted.

A record vote was requested.

HB 251, as amended, was passed by (Record 608): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric;

Hardcastle; Hartnett; Hegar; Herrero; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Crabb; Gonzales; Grusendorf; Harper-Brown; Hilderbran; Pitts.

HB 661 ON THIRD READING

(by Branch, Flynn, Bonnen, Kolkhorst, Rodriguez, et al.)

HB 661, A bill to be entitled An Act relating to allowing designated public school libraries to participate in group purchasing agreements with the TexShare Library Consortium.

HB 661 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2986 ON THIRD READING

(by West)

HB 2986, A bill to be entitled An Act relating to the informal resolution of certain proceedings conducted by the Railroad Commission of Texas.

Representative West moved to postpone consideration of **HB 2986** until June 5.

The motion prevailed.

HB 726 ON THIRD READING

(by Berman)

HB 726, A bill to be entitled An Act relating to the exemption from ad valorem taxation of property owned by certain law enforcement officer associations.

A record vote was requested.

HB 726 was passed by (Record 609): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Bumam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton;

Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Bailey; Crabb; Dawson; Eiland; Grusendorf; Merritt; Phillips; Pitts.

HB 2470 ON THIRD READING (by Delisi)

HB 2470, A bill to be entitled An Act relating to the operations of and the funding mechanisms for emergency medical services and trauma facility care in this state.

A record vote was requested.

HB 2470 was passed by (Record 610): 134 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Baxter; Berman; Blake; Bohac; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Bonnen; Keel; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Anderson; Eiland; Flores; Giddings; Gonzalez Toureilles; Mowery; Pitts.

STATEMENT OF VOTE

When Record No. 610 was taken, my vote failed to register. I would have voted yes.

Anderson

HB 1484 ON THIRD READING

(by Talton)

HB 1484, A bill to be entitled An Act relating to the penalty for failing to perform certain duties following a vehicle accident.

HB 1484 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3057 ON THIRD READING

(by Howard)

HB 3057, A bill to be entitled An Act relating to the number of hours worked by a part-time fire protection employee.

HB 3057 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1047 ON THIRD READING

(by Chisum)

HB 1047, A bill to be entitled An Act relating to the offense of failing to certify compliance of an underground storage tank before accepting delivery of the regulated substance to be stored in the tank.

HB 1047 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1037 ON THIRD READING

(by Isett)

HB 1037, A bill to be entitled An Act relating to the prosecution of the offense of unlawfully carrying a handgun, illegal knife, or club.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 1037**:

Amend **HB 1037** on third reading by adding the following appropriately numbered section and renumbering the subsequent sections accordingly:

SECTION __. Section 46.01(6), Penal Code, is amended to read as follows:

- (6) "Illegal knife" means a:
- (A) knife with a blade over five and one-half inches;
 - (B) hand instrument designed to cut or stab another by being thrown;
 - (C) dagger, including but not limited to a dirk, stiletto [~~stiletto~~], and poniard;
 - (D) bowie knife;
 - (E) sword; or
 - (F) spear.

Amendment No. 1 was adopted.

HB 1037, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1584 ON THIRD READING (by Casteel and Solomons)

HB 1584, A bill to be entitled An Act relating to requiring the operator of a vehicle storage facility to accept certain forms of payment for the delivery or storage of a vehicle.

HB 1584 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1330 ON THIRD READING (by Chisum)

HB 1330, A bill to be entitled An Act relating to the creation of a dispute resolution program for state building construction contracts.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 1330**:

Amend **HB 1330** on third reading as follows:

(1) On page 1, line 7, strike "DISPUTE RESOLUTION", and substitute "NON-BINDING DISPUTE RESOLUTION AND AVOIDANCE".

(2) On page 1, strike lines 9-10 and substitute:

"contractor" has the meaning assigned by Section 2260.001.

(3) On page 1, line 12, strike "to favor the use of" and substitute "to use".

(4) On page 1, line 13, between "method to" and "resolve", insert "avoid and attempt to".

(5) On page 1, line 24, strike "DISPUTE RESOLUTION PROGRAM" and substitute "NON-BINDING DISPUTE RESOLUTION AND AVOIDANCE PROGRAM".

(6) On page 2, lines 1 and 4, strike "dispute resolution" each place the phrase appears and substitute "non-binding dispute resolution and avoidance".

(7) On page 2, line 2, between "to" and "resolve", insert "avoid and attempt to".

(8) On page 2, line 15, strike "to reach final and binding" and substitute "to attempt to reach".

(9) On page 2, line 27, between "be used to" and "resolve", insert "attempt to".

(10) On page 3, line 4, between "to" and "resolve", insert "attempt to".

(11) On page 3, line 6, before "dispute", insert "non-binding".

(12) On page 3, line 7, strike "under Subsection (a)", insert "to use the non-binding dispute resolution program under Subsection (a) to attempt to resolve a dispute".

(13) On page 3, between lines 9 and 10, insert the following:

Sec. 2166.608. PROGRAM USE ON OTHER PROJECTS. A state or local government entity may adopt by rule the non-binding dispute resolution and avoidance program developed under this subchapter for use on projects not covered by this subchapter.

Sec. 2166.609. SOVEREIGN IMMUNITY. This chapter does not waive sovereign immunity to suit or liability.

(14) On page 3, line 16, between "the" and "dispute" insert "non-binding".

(15) On page 3, strike lines 22-25 and substitute the following:

Sec. 2260.005. EXCLUSIVE PROCEDURES [PROCEDURE]. Subject to Section 2260.007 and Subchapter M, Chapter 2166, the procedures contained in this chapter are exclusive and required prerequisites to suit in accordance with Chapter 107, Civil Practice and Remedies Code.

Amendment No. 1 was adopted.

HB 1330, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

HB 1238 ON THIRD READING
(by Paxton, Hughes, and Laubenberg)

HB 1238, A bill to be entitled An Act relating to distribution of certain child support payments by the state disbursement unit.

HB 1238 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1268 ON THIRD READING
(by Bohac)

HB 1268, A bill to be entitled An Act relating to the information included on a voter registration application.

HB 1268 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, Leibowitz, and Rose recorded voting no.)

HB 2933 ON THIRD READING
(by Delisi, Isett, Callegari, and Strama)

HB 2933, A bill to be entitled An Act relating to standards of conduct for and conflicts of interest of state officers and employees.

HB 2933 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1270 ON THIRD READING
(by Bohac)

HB 1270, A bill to be entitled An Act relating to the qualifications of a deputy voter registrar.

Amendment No. 1

Representative Herrero offered the following amendment to **HB 1270**:

Amend **HB 1270** on third reading as follows:

(1) In Section 1 of the bill, in amended Section 13.031(d)(2), Election Code, following the semicolon insert "and".

(2) In Section 1 of the bill, in amended Section 13.031(d), Election Code, strike subdivision (3) and renumber the remaining subdivisions appropriately.

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 611): 51 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Escobar; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Haggerty; Herrero; Hochberg; Hopson; Luna; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Olivo; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Farabee; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz;

Madden; Martinez; McCall; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Taylor; Van Arsdale; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Edwards; Flynn; Homer; Jones, J.; McReynolds; Pitts; Solomons; Straus; Truitt.

STATEMENTS OF VOTE

I was shown voting no on Record No. 611. I intended to vote yes.

Anchia

When Record No. 611 was taken, I was in the house but away from my desk. I would have voted no.

Flynn

I was shown voting no on Record No. 611. I intended to vote yes.

T. King

When Record No. 611 was taken, I was in the house but away from my desk. I would have voted no.

Solomons

I was shown voting yes on Record No. 611. I intended to vote no.

Strama

HB 1270 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Chavez, Herrero, and Leibowitz recorded voting no.)

HB 867 ON THIRD READING

(by R. Allen)

HB 867, A bill to be entitled An Act relating to the registration and supervision of sex offenders; providing penalties.

Amendment No. 1

Representatives Leibowitz, B. Cook, and Bohac offered the following amendment to **HB 867**:

Amend **HB 867** on third reading on page 53, between lines 9 and 10, by inserting the following:

Sec. 62.062. CERTAIN PERSONS PROHIBITED FROM RESIDING NEAR SCHOOL. (a) This section applies only to a person who is:

(1) required to register as a sex offender under Chapter 62, Code of Criminal Procedure, because of a reportable conviction or adjudication involving a victim younger than 14 years of age; or

(2) civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and subject to outpatient treatment and supervision under that chapter.

(b) A person to whom this section applies may not reside within 1,000 feet of a public or private school campus, as measured in a straight line from the nearest property line of the residence to the nearest property line of the campus.

(c) A person to whom this section applies who resides within 1,000 feet of a school campus may remain at the person's residence if:

(1) the person resided at the residence on September 1, 2005; or

(2) the person is residing at the residence at the time that the campus is established or extended to within 1,000 feet of the residence.

(d) For each person described by Subsection (c) who remains at the residence, the state, county, or local law enforcement agency with the primary responsibility of registering or supervising the person shall provide written notice, including the person's address and a recent photograph of the person, to the appropriate public or private school campus not later than the first day of instruction each school year.

(e) A person to whom this section applies commits an offense if the person violates this section. The punishment for an offense under this subsection is a felony of the third degree and is considered to be a conviction of an offense under Article 62.102, Code of Criminal Procedure, for purposes of enhancement under Subsection (c) of that article.

Amendment No. 1 was adopted.

HB 867, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2201 ON THIRD READING

(by Hughes, Hopson, R. Cook, Kolkhorst, Homer, et al.)

HB 2201, A bill to be entitled An Act relating to implementing a clean coal project in this state.

HB 2201 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Is one of the purposes of the Future GM Project to help reduce the dependence on global warming ?

REPRESENTATIVE HUGHES: Yes, the Federal Department of Energies has determined that reducing CO2 emissions is a good thing, with an eye toward that issue. And so that's part of the goal of Future GM, that's right.

BURNAM: Thank you. Representative Hughes, aren't some types of coal plants required to dispose of the waste in clay-lined pits?

HUGHES: That's right. It's my understanding current test regulations require coal plants to dispose of this waste in clay-lined or synthetically-lined pits.

BURNAM: Thank you. Is it your intent that the law should be clarified—that these wastes should be disposed of in clay-lined pits to assure that they don't migrate and cause other health problems?

HUGHES: It is our intent that the waste from this process be disposed of in clay- or synthetically-lined pits as current regulations require. That is correct.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Hughes and Representative Burnam.

The motion prevailed.

A record vote was requested.

HB 2201 was passed by (Record 612): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Pitts.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 612. I intended to vote no.

Herrero

I was shown voting yes on Record No. 612. I intended to vote no.

Leibowitz

HB 2959 ON THIRD READING
(by Paxton)

HB 2959, A bill to be entitled An Act relating to the use of federal child care and development block grant funds by local workforce development boards.

HB 2959 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 1823 ON SECOND READING
(by Dutton, Farrar, and W. Smith)

CSHB 1823, A bill to be entitled An Act relating to the rights of a purchaser under an executory contract for conveyance of real property.

Amendment No. 1

Representatives Keel and Giddings offered the following amendment to **CSHB 1823**:

Amend **CSHB 1823** by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION __. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.014 to read as follows:

Sec. 5.014. PROHIBITED FEES. A person who has a right of first refusal in real property may not charge a fee for declining to exercise that right, such as a fee for providing written evidence of the declination.

SECTION __. Except as provided by a contract entered into before the effective date of this Act, Section 5.014, Property Code, as added by this Act, applies only to a fee that is solicited on or after the effective date of this Act for declining the exercise of a right of first refusal.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Orr offered the following amendment to **CSHB 1823**:

Amend **CSHB 1823** (House Committee Printing) as follows:

(1) On page 1, line 20, between "(d)" and "to read", insert "and adding Subsection (e)".

(2) On page 2, line 2, between "subchapter" and the underlined colon, insert ", and only for the purposes of this subchapter".

(3) On page 2, lines 5-6, strike "a residential lease of real property that includes an option to purchase the property" and substitute "an option to purchase real property that includes or is combined or executed concurrently with a residential lease agreement, together with the lease,".

(4) On page 2, between lines 15 and 16, insert the following:

(e) This subchapter does not apply to an executory contract described by Subsection (a)(2) if the term of the contract is three years or less and the purchaser and seller have not been parties to an executory contract to purchase the property covered by the executory contract for longer than three years.

Amendment No. 2 was adopted.

CSHB 1823, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown and Phillips recorded voting no.)

CSHB 2099 ON SECOND READING

(by Dutton)

CSHB 2099, A bill to be entitled An Act relating to investigations of reports of child abuse and neglect.

CSHB 2099 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Harper-Brown in the chair)

CSHB 2139 ON SECOND READING

(by Phillips)

CSHB 2139, A bill to be entitled An Act relating to certain agreements by the Texas Department of Transportation involving pass-through tolls.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 2139**:

Amend **CSHB 2139** as follows:

(1) On page 1, line 8, strike "shall" and substitute "may".

(2) On page 1, between lines 17 and 18, add the following:

"(h) An agreement under this section should prescribe the roles and responsibilities of the parties and establish timeframes for any department reviews or approvals in a manner that will, to the maximum extent possible, expedite the development of the project."

Amendment No. 1 was adopted.

CSHB 2139, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Baxter, Bonnen, Giddings, Herrero, Keel, and Leibowitz recorded voting no.)

CSHB 2630 ON SECOND READING
(by Hill)

CSHB 2630, A bill to be entitled An Act relating to procedures regarding the removal and storage of vehicles.

CSHB 2630 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz recorded voting no.)

SB 1708 ON SECOND READING
(Swinford - House Sponsor)

SB 1708, A bill to be entitled An Act relating to assessments levied on certain owners of cattle and used for marketing, education, research, and promotion of Texas beef.

SB 1708 was considered in lieu of **HB 2049**.

SB 1708 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2049 - LAID ON THE TABLE SUBJECT TO CALL

Representative Swinford moved to lay **HB 2049** on the table subject to call.

The motion prevailed.

CSHB 2866 ON SECOND READING
(by Bailey)

CSHB 2866, A bill to be entitled An Act relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

Amendment No. 1

Representative Bailey offered the following amendment to **CSHB 2866**:

Amend **CSHB 2866** as follows:

(1) On page 8, between lines 9 and 10, insert the following:

Sec. 146.013. OPEN DELIBERATIONS. (a) Deliberations relating to a meet and confer agreement or proposed agreement under this chapter between representatives of the public employer and representatives of the employee association recognized under this chapter as the sole and exclusive bargaining agent for the covered employees must be open to the public and comply with state law.

(b) Subsection (a) may not be construed to prohibit the representatives of the public employer or the representatives of the recognized employee association from conducting private caucuses that are not open to the public during meet and confer negotiations.

(2) On page 8, line 10, strike "146.013" and substitute "146.014".

- (3) On page 9, line 8, strike "146.014" and substitute "146.015".
 (4) On page 10, line 22, strike "146.015" and substitute "146.016".
 (5) On page 11, line 20, strike "146.016" and substitute "146.017".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Wong offered the following amendment to **CSHB 2866**:

Amend **CSHB 2866** by adding the following appropriately numbered Sections to the bill and renumbering subsequent Sections as appropriate:

SECTION __. Section 2, Chapter 88, Acts of the 77th Legislature, Regular Session, 2001 (Article 6243h, Vernon's Texas Civil Statutes), is amended by amending Subsections (c), (d), (e), (h), (j), (n), and (p) and adding Subsections (c-1), (c-2), (c-3), (h-1), (j-1), and (n-1) to read as follows:

(c) The pension board consists of nine trustees as follows:

(1) an employee of the city's financial division [~~the mayor of the city, or the director of the civil service commission as the mayor's representative~~];

(2) an actuary [~~the city treasurer or a person performing the duties of treasurer~~];

(3) two [~~four~~] municipal employees of the city who are members of the pension system;

(4) two retirees, each of whom:

(A) has at least five years of credited service in the pension system;

(B) receives a retirement pension from the pension system; and

(C) is not an officer or employee of the city; [~~and~~]

(5) one person who:

(A) has been a resident of this state for the three years preceding the date of initial appointment; [~~and~~]

(B) is not a city officer or employee and is not related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a person who is a city officer or employee;

(C) is a registered voter of the city;

(D) is not a member of the municipal pension system and is not related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a person who is a member of the municipal pension system; and

(E) meets the qualifications established by the pension board under Subsection (j-1) of this section; and

(6) two registered investment advisors.

(c-1) To serve as a trustee under Subsection (c)(1) of this section, the person must be appointed by the mayor.

(c-2) To serve as a trustee under Subsection (c)(2) of this section, the person must be a fellow of the Society of Actuaries who is appointed by the pension review committee of the city council or, if a pension review committee does not exist, by a vote of a majority of the members of the city council. The trustee who is appointed under this subsection shall:

(1) submit quarterly reports to the pension review committee of the city council or, if a pension review committee does not exist, to the city council; or

(2) meet quarterly with the pension review committee of the city council or, if a pension review committee does not exist, with the city council.

(c-3) The trustee appointed under Subsection (c)(2) of this section may be removed at any time by a vote of a majority of the city council. A vacancy caused by the trustee's death, resignation, or removal shall be filled by the city council. The appointee serves for the remainder of the unexpired term of the replaced trustee. The trustee appointed to fill the remainder of the term may not serve beyond the expiration of the three-year term unless the trustee is appointed for a new term by the pension review committee of the city council or, if a pension review committee does not exist, by a vote of a majority of the members of the city council.

(d) To serve as a trustee under Subsection (c)(3) of this section, a person must be a member with at least five years of credited service and be elected by the active members of the pension system at an election called by the pension board. The [No more than two of the] employee trustees may not be employees of the same department.

(e) A person elected as an employee trustee under Subsection (d) of this section who retires during the trustee's term shall remain in office until the expiration of the term. ~~[Persons elected as employee trustees serve staggered four year terms, with the terms of two of the trustees expiring in each even numbered year. Each employee trustee shall continue to serve until a successor is qualified.]~~

(h) To serve as a trustee under Subsection (c)(6) of this section, the person must be appointed by the pension review committee of the city council or, if a pension review committee does not exist, by a vote of a majority of the members of the city council. A trustee who is appointed under this subsection shall:

(1) submit quarterly reports to the pension review committee of the city council or, if a pension review committee does not exist, to the city council; or

(2) meet quarterly with the pension review committee of the city council or, if a pension review committee does not exist, with the city council.

(h-1) A trustee appointed under Subsection (c)(6) of this section may be removed at any time by a vote of a majority of the city council. A vacancy caused by the trustee's death, resignation, or removal shall be filled by the city council. The appointee serves for the remainder of the unexpired term of the replaced trustee. The trustee appointed to fill the remainder of the term may not serve beyond the expiration of the three-year term unless the trustee is appointed for a new term by the pension review committee of the city council or, if a pension review committee does not exist, by a vote of a majority of the members of the city council. ~~[Persons elected as retiree trustees serve four year staggered terms, with the term of one trustee expiring in each even numbered year.]~~

(j) To serve as a trustee under Subsection (c)(5) of this section, the person must be appointed by a vote of a majority of the elected trustees of the pension board. ~~[The trustee appointed under Subsection (c)(5) of this section serves a two year term. The appointment or reappointment of the appointed trustee shall take place in January of each even numbered year.]~~ The appointed trustee may be

removed at any time by a vote of a majority of the elected trustees of the pension board. A vacancy caused by the appointed trustee's death, resignation, or removal shall be filled by the elected trustees of the pension board. The appointee serves for the remainder of the unexpired term of the replaced trustee. An appointed trustee may not serve beyond the expiration of the three-year ~~two year~~ term other than by appointment for a new term by the elected trustees of the pension board.

(j-1) The pension board shall adopt a rule requiring a trustee appointed under Subsection (c)(5) of this section to have an adequate background in finance.

(n) The pension board shall appoint, by a vote of a majority of the trustees of the pension board, a ~~The~~ person serving as a trustee under Subsection ~~(c)(6)~~ ~~(e)(2)~~ of this section to serve ~~serves~~ as the treasurer of the pension fund. The pension board shall require the treasurer to file an ~~under penalty of that person's~~ official bond payable to the pension board. The treasurer is liable on the treasurer's official bond for the faithful performance of the treasurer's duties under this Act in connection with the pension fund ~~and oath of office. That person's official bond to the city shall cover the person's position as treasurer of the pension fund, and that person's sureties are liable for the treasurer's actions pertaining to the pension fund to the same extent as the sureties are liable under the terms of the bond for other actions and conduct of the treasurer].~~

(n-1) Trustees serve staggered three-year terms. On January 1 of each year, the appropriate number of trustees shall be appointed or elected. A trustee may not serve more than four consecutive terms.

(p) In each odd-numbered year, the pension board shall elect from the elected trustees a chair, vice chair, and secretary. The chair may not serve in that capacity more than two consecutive terms.

SECTION __. (a) The term of office for any person serving as a trustee of the pension board under Chapter 88, Acts of the 77th Legislature, Regular Session, 2001 (Article 6243h, Vernon's Texas Civil Statutes), as of December 31, 2005, expires on January 1, 2006. The pension board and the city council shall appoint trustees and the pension board shall hold an election as required by Section 2, Chapter 88, Acts of the 77th Legislature, Regular Session, 2001 (Article 6243h, Vernon's Texas Civil Statutes), as amended by this Act, as soon as practicable after January 1, 2006.

(b) Trustees who are elected or appointed on January 1, 2006, under Section 2, Chapter 88, Acts of the 77th Legislature, Regular Session, 2001 (Article 6243h, Vernon's Texas Civil Statutes), as amended by this Act, shall draw lots to determine three trustees to serve terms expiring January 1, 2007, three trustees to serve terms expiring January 1, 2008, and three trustees to serve terms expiring January 1, 2009.

Amendment No. 2 was withdrawn.

A record vote was requested.

CSHB 2866, as amended, was passed to engrossment by (Record 613): 98 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Campbell; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Davis, Y.; Dawson; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Guillen; Hamilton; Hamric; Hardcastle; Herrero; Hochberg; Homer; Hope; Hopson; Hughes; Hupp; Isett; Jones, D.; Jones, J.; Keel; King, P.; Krusee; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Otto; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Smithee; Solis; Strama; Swinford; Talton; Taylor; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; Wong; Woolley.

Nays — Callegari; Chisum; Crabb; Davis, J.; Delisi; Denny; Elkins; Gattis; Grusendorf; Haggerty; Hegar; Hilderbran; Hill; Howard; Hunter; Jackson; Keffer, B.; Keffer, J.; King, T.; Kolkhorst; Laubenberg; Madden; McCall; Miller; Mowery; Orr; Paxton; Riddle; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Truitt; Van Arsdale; West; Zedler.

Present, not voting — Mr. Speaker; Crownover; Harper-Brown(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Allen, A.; Anderson; Eiland; Goodman; Hartnett; Phillips; Pitts.

STATEMENT OF VOTE

When Record No. 613 was taken, my vote failed to register. I would have voted no.

Anderson

HB 2915 ON SECOND READING

(by Puente)

HB 2915, A bill to be entitled An Act relating to the designation of river basins by the Texas Water Development Board.

Amendment No. 1

Representative Morrison offered the following amendment to **HB 2915**:

Amend **HB 2915** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 11.085(p), Water Code, is amended as follows:

(1) A river basin may not be redesignated in order to allow a transfer or diversion of water otherwise in violation of this section. However, this section does not prevent the Board from redesignating a river basin as part of another river basin based on scientific or hydrologic evidence the Board finds supports the redesignation if the confluence of the two basins is upstream of the receiving bay and estuary system, whether or not the redesignation facilitates a transfer or diversion of water. If the Board combines two river basins under this subsection, any transfer of water between the basins that are combined shall be evaluated as a new appropriation for purposes of determining appropriate conditions to protect

the environment. If the Board combines two river basins under this subsection, any transfer of water between the basins that is facilitated by the combination of the basins shall be junior to all water rights granted before the application for transfer is accepted for filing if the project for which the transfer is sought includes the pumping and transport of groundwater between the two river basins as the river basins were constituted on January 1, 2005 unless the water is pumped from within a groundwater conservation district or if there is no groundwater conservation district where the water is pumped, in compliance with the most stringent spacing and production rules of groundwater conservation districts in contiguous counties.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Representative Puente moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 614): 52 Yeas, 75 Nays, 4 Present, not voting.

Yeas — Allen, A.; Casteel; Castro; Chavez; Crabb; Denny; Driver; Dukes; Dutton; Edwards; Elkins; Escobar; Farrar; Flores; Frost; Gallego; Geren; Goodman; Grusendorf; Herrero; Hilderbran; Hill; Hope; Hughes; King, T.; Kruse; Kuempel; Laney; Leibowitz; Luna; Martinez; McClendon; Menendez; Merritt; Miller; Moreno, P.; Mowery; Orr; Pickett; Puente; Raymond; Smith, T.; Smith, W.; Solis; Straus; Thompson; Truitt; Turner; Uresti; Villarreal; Vo; West.

Nays — Allen, R.; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Dunnam; Eiland; Eissler; Farabee; Flynn; Gattis; Gonzales; Griggs; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Homer; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Laubenberg; Madden; McCall; McReynolds; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Otto; Paxton; Phillips; Quintanilla; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smithee; Strama; Swinford; Talton; Taylor; Van Arsdale; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Giddings; Harper-Brown(C); Veasey.

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Alonzo; Bailey; Chisum; Deshotel; Gonzalez Toureilles; Goolsby; Guillen; Hochberg; Jones, J.; Keffer, J.; Martinez Fischer; Olivo; Pitts; Solomons.

STATEMENTS OF VOTE

I was shown voting no on Record No. 614. I intended to vote yes.

Callegari

When Record No. 614 was taken, my vote failed to register. I would have voted no.

Gonzalez Toureilles

When Record No. 614 was taken, my vote failed to register. I would have voted yes.

Guillen

I was shown voting yes on Record No. 614. I intended to vote no.

Hughes

(Speaker in the chair)

Amendment No. 1 was adopted.

A record vote was requested.

The vote of the house was taken on passage to engrossment of **HB 2915** and the vote was announced yeas 66, nays 71.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 615): 65 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Callegari; Casteel; Castro; Chavez; Driver; Dutton; Edwards; Elkins; Escobar; Farrar; Flores; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Grusendorf; Guillen; Hartnett; Herrero; Hilderbran; Hill; Hochberg; Hughes; Jones, J.; King, T.; Krusee; Kuempel; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miller; Mowery; Oliveira; Olivo; Pickett; Puente; Quintanilla; Raymond; Reyna; Rodriguez; Smith, T.; Solis; Solomons; Strama; Straus; Talton; Thompson; Truitt; Turner; Uresti; Villarreal; Vo; Wong; Woolley; Zedler.

Nays — Allen, R.; Anderson; Baxter; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Campbell; Chisum; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Dunnam; Eiland; Eissler; Farabee; Flynn; Frost; Gattis; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Laney; Laubenberg; Madden; McCall; McReynolds; Morrison; Naishtat; Nixon; Noriega, M.; Orr; Otto; Paxton; Phillips; Riddle; Ritter; Rose; Seaman; Smith, W.; Smithee; Swinford; Taylor; Van Arsdale; Veasey; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Berman; Crabb; Deshotel; Dukes; Goolsby; Keffer, J.; Luna; Moreno, P.; Pitts.

The speaker stated that **HB 2915**, as amended, failed to pass to engrossment by the above vote.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 615. I intended to vote no.

Gonzalez Toureilles

I was shown voting yes on Record No. 615. I intended to vote no.

Hughes

CSHB 3207 ON SECOND READING (by Zedler and Flynn)

CSHB 3207, A bill to be entitled An Act relating to increasing the penalties for certain criminal offenses involving an election.

Amendment No. 1

Representative Taylor offered the following amendment to **CSHB 3207**:

Amend **CSHB 3207** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 63.002, Election Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) A signature roster shall be maintained by an election officer at the polling place. The top of each page of the signature roster shall contain the following statement:

"I swear (or affirm) that I am eligible to vote in this election and that I have not voted before in this election."

(c) If the voter cannot sign the voter's name, an election officer shall enter the voter's name with a notation of the reason for the voter's inability to sign the roster, and the voter shall make a mark next to the notation.

(d) A person commits an offense if the person signs or marks a signature roster more than once in connection with a single election for the purpose of voting more than once in the election. An offense under this subsection is a felony of the third degree. If conduct that constitutes an offense under this subsection also constitutes an offense under Section 37.02 or 37.10, Penal Code, the actor may be prosecuted only under this subsection.

SECTION _____. Section 64.012, Election Code, is amended by adding Subsection (c) to read as follows:

(c) For purposes of Subsection (a)(2), a person is presumed to have knowingly voted or attempted to vote more than once in an election if the person has signed or marked the signature roster more than once in an election.

Amendment No. 1 was withdrawn.

CSHB 3207 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 3207** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is inaccurate.

The point of order was withdrawn.

Representative Zedler moved to postpone consideration of **CSHB 3207** until 10 a.m. today, May 12.

The motion prevailed.

HB 1829 ON SECOND READING
(by Wong)

HB 1829, A bill to be entitled An Act relating to authorizing private or independent institutions of higher education to charge fees for processing or handling certain payments or payment transactions.

A record vote was requested.

HB 1829 failed to pass to engrossment by (Record 616): 60 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Anderson; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Geren; Grusendorf; Hamilton; Hamric; Hartnett; Hegar; Hill; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, J.; Keel; Keffer, B.; King, P.; Kolkhorst; Kuempel; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pickett; Puente; Reyna; Riddle; Rose; Seaman; Smithee; Straus; Swinford; Talton; Van Arsdale; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Blake; Burnam; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Davis, Y.; Driver; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hardcastle; Harper-Brown; Herrero; Hochberg; Homer; Jones, D.; King, T.; Krusee; Laney; Laubenberg; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Naishtat; Noriega, M.; Oliveira; Olivo; Quintanilla; Raymond; Rodriguez; Smith, T.; Solis; Solomons; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo; West.

Present, not voting — Mr. Speaker(C); Baxter.

Absent, Excused — Branch; Corte; Hodge; Peña.

Absent — Allen, R.; Berman; Crabb; Deshotel; Dukes; Dunnam; Edwards; Hilderbran; Howard; Keffer, J.; Moreno, P.; Phillips; Pitts; Ritter; Smith, W.; Taylor.

STATEMENTS OF VOTE

When Record No. 616 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

When Record No. 616 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

CSHB 3208 ON SECOND READING
(by Zedler and Flynn)

CSHB 3208, A bill to be entitled An Act relating to the investigation of certain criminal conduct in election matters.

Representative Zedler moved to postpone consideration of **CSHB 3208** until 10 a.m. today, May 12.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Berman on motion of Hupp.

CSHB 3048 ON SECOND READING
(by Hopson)

CSHB 3048, A bill to be entitled An Act relating to insurance coverage for certain structures.

CSHB 3048 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3468 ON SECOND READING
(by Isett)

CSHB 3468, A bill to be entitled An Act relating to an intensive reading and language intervention pilot program.

CSHB 3468 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

HB 2716 ON SECOND READING
(by Swinford)

HB 2716, A bill to be entitled An Act relating to equal employment opportunity reports.

Amendment No. 1

Representative Swinford offered the following amendment to **HB 2716**:

Amend **HB 2716** by adding the following appropriately numbered Section to the bill and renumbering the subsequent Sections appropriately:

SECTION ____ . Section 21.552(a), Labor Code, is amended to read as follows:

(a) Not later than November 1 [~~the seventh day~~] of each [~~calendar~~] year, [~~excluding legal holidays and weekends,~~] each state agency shall report equal employment opportunity information for the preceding fiscal [~~calendar~~] year to the commission as required by this subchapter. The report must be made in the form prescribed by the commission and include information compiled on a monthly basis.

Amendment No. 1 was adopted.

HB 2716, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 533 ON SECOND READING
(by Howard)

CSHB 533, A bill to be entitled An Act relating to restrictions on the automatic renewal of contracts.

Amendment No. 1

Representative Howard offered the following amendment to **CSHB 533**:

Amend **CSHB 533** as follows:

(1) On page 1, strike lines 8-11 and substitute the following:
to the renewal of a contract if:

(1) the original contract term is for six months or more and the contract automatically renews for a term of more than one month; or

(2) the price for goods or services under the contract as renewed is different from the price of goods or services under the immediately preceding contract term.

(2) On page 2, line 4, between "(1)" and "clearly", insert "for a contract described by Section 48.001(a)(1),".

(3) On page 2, line 6, strike the comma and substitute the following:

∴

(A)

(4) On page 2, line 7, between the semicolon and "and", insert the following:

or

(B) in writing not later than the 60th day after the date the seller enters into the contract with the consumer;

(5) On page 2, strike lines 11-12 and substitute "the first day of the renewal period.".

(6) On page 3, line 10, strike "required by Section 48.003(a)(1)" and substitute "under Section 48.003(a)(1), if required.".

(7) On page 4, line 1, between "canceled the" and "contract", insert "most recent renewal of the".

Amendment No. 1 was adopted.

CSHB 533, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1111 ON SECOND READING
(by P. King)

CSHB 1111, A bill to be entitled An Act relating to admission to open-enrollment charter schools that specialize in performing arts.

CSHB 1111 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSHB 2941 ON SECOND READING
(by Eiland)

CSHB 2941, A bill to be entitled An Act relating to compensation of insurance agents.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 2941**:

Amend **CSHB 2941** as follows:

(1) On page 3, between lines 22 and 23 of the bill, insert a new SECTION 3 to read as follows:

SECTION 3. (a) The Texas Department of Insurance shall conduct a study regarding whether the commissions paid to insurance agents for sales of insurance policies for coverage under the Texas Health Insurance Risk Pool established under Chapter 1506, Insurance Code, are sufficient to ensure that consumers who are eligible for coverage under that pool are made aware of the existence of the pool and the benefits of purchasing insurance policies issued by the pool

(b) The Texas Department of Insurance shall report the results of the study to the Legislature not later than December 1, 2006.

(2) On page 3, line 23, strike "SECTION 3" and substitute "SECTION 4".

Amendment No. 1 was adopted.

CSHB 2941, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1232 ON SECOND READING
(by Castro)

CSHB 1232, A bill to be entitled An Act relating to the payment of certain expenses of a public project financed by certificates of obligation.

CSHB 1232 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1449 ON SECOND READING
(by Dutton and Goodman)

CSHB 1449, A bill to be entitled An Act relating to suits affecting the parent-child relationship, including proceedings for the establishment, modification, and enforcement of child support; providing a civil penalty.

Representative Dutton moved to postpone consideration of **CSHB 1449** until 10 a.m. today, May 12.

The motion prevailed.

HB 1603 ON SECOND READING
(by Bonnen)

HB 1603, A bill to be entitled An Act relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

HB 1603 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 1603** under Rule 8, Section 10(b) of the House Rules on the grounds that the bill is limited to one or more political subdivisions by means of artificial devices.

The speaker sustained the point of order.

The ruling precluded further consideration of **HB 1603**.

CSHB 1763 ON SECOND READING
(by R. Cook and Hope)

CSHB 1763, A bill to be entitled An Act relating to the notice, hearing, rulemaking, and permitting procedures for groundwater conservation districts.

CSHB 1763 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1826 ON SECOND READING
(by Grusendorf)

HB 1826, A bill to be entitled An Act relating to the use of school district resources for the maintenance of real property not owned or leased by the district.

Amendment No. 1

Representative Gattis offered the following amendment to **HB 1826**:

Amend **HB 1826** (House committee printing) on page 1, lines 5-11, by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.168 to read as follows:

Sec. 11.168. USE OF DISTRICT RESOURCES PROHIBITED FOR CERTAIN PURPOSES. (a) The board of trustees of a school district may not enter into an agreement authorizing the use of school district employees, property, or resources for the design, construction, or renovation of improvements to real property not owned or leased by the district.

(b) This section does not prohibit the board of trustees of a school district from entering into an agreement with another governmental entity for the construction or renovation of improvements to real property if the improvements are used:

(1) by the district for district purposes; or

(2) jointly by the district and the governmental entity for district purposes.

Amendment No. 1 was adopted.

HB 1826, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1462 ON SECOND READING
(by Flores)

HB 1462, A bill to be entitled An Act relating to the referral by the Texas Water Development Board of certain persons to another state agency, office, or division for investigation or enforcement action.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Geren, Representative Flores offered the following committee amendment to **HB 1462**:

Amend **HB 1462** by striking line 20 and substituting the following:

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Amendment No. 1 was adopted.

HB 1462, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1854 ON SECOND READING
(by Giddings)

HB 1854, A bill to be entitled An Act relating to requiring debt collectors to provide a copy of a dishonored check to certain consumers; providing a civil penalty.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Taylor, Representative Giddings offered the following committee amendment to **HB 1854**:

Amend **HB 1854** as follows:

(1) On page 2, line 1, between "shall" and "provide", insert ", on the consumer's request,".

(2) On page 2, lines 1 and 2, strike ", at the time of the initial contact,".

(3) On page 2, line 3, between "transaction" and the period, insert "not later than the 10th day after the date of the request".

(4) On page 2, line 7, strike "each day the failure continues" and substitute "each violation".

Amendment No. 1 was adopted.

HB 1854, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2492 ON SECOND READING
(by Puente)

CSHB 2492, A bill to be entitled An Act relating to the authority of certain persons to bring suit to require an appraisal district or appraisal review board to comply with applicable law.

CSHB 2492 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2639 ON SECOND READING
(by Geren)

CSHB 2639, A bill to be entitled An Act relating to the powers and duties of the Tarrant Regional Water District.

Amendment No. 1

Representative Geren offered the following amendment to **CSHB 2639**:

Amend **CSHB 2639** as follows:

(1) On page 3, strike lines 19-21 and substitute the following:

(e) An economic development program must be within the boundaries of the district.

(2) On page 4, between lines 24 and 25, insert a new Subsection (b) to read as follows and reletter existing Subsection (b) and subsequent subsections appropriately:

(b) A nonprofit corporation created under Subsection (a) shall:

(1) establish and maintain the principal office of the corporation inside the boundaries of the district; and

(2) exercise the corporation's powers relating to real property or tangible personal property only inside the boundaries of the district.

Amendment No. 1 was adopted.

CSHB 2639, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 211 ON SECOND READING

(by Guillen, M. Noriega, Martinez, and Leibowitz)

CSHB 211, A bill to be entitled An Act relating to the effect that certain orders relating to family violence and certain decisions regarding military service have on residential leases.

CSHB 211 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2339 ON SECOND READING

(by Corte and Baxter)

CSHB 2339, A bill to be entitled An Act relating to the provision of mail ballots to overseas voters and to conforming adjustments to related dates, deadlines, and procedures.

CSHB 2339 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 454 ON SECOND READING

(Seaman - House Sponsor)

SB 454, A bill to be entitled An Act relating to commercial shrimp boat licenses and to the creation of a gulf shrimp license moratorium program.

SB 454 was considered in lieu of **HB 886**.

SB 454 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 886 - LAID ON THE TABLE SUBJECT TO CALL

Representative Seaman moved to lay **HB 886** on the table subject to call.

The motion prevailed.

**SB 272 ON SECOND READING
(Seaman - House Sponsor)**

SB 272, A bill to be entitled An Act relating to the creation of an oyster license moratorium program.

SB 272 was considered in lieu of **HB 884**.

SB 272 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 884 - LAID ON THE TABLE SUBJECT TO CALL

Representative Seaman moved to lay **HB 884** on the table subject to call.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Campbell moved to suspend the five day posting rule to allow the Committee on Defense Affairs and State-Federal Relations to consider **HCR 121** and **HCR 144** at 8 a.m., May 12, in E2.010.

The motion prevailed.

Representative Delisi moved to suspend the five day posting rule to allow the Committee on Public Health to consider previously posted agenda from May 11, upon adjournment May 13, in E2.036.

The motion prevailed.

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **SB 978** and **SB 1597**.

The motion prevailed.

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 3590** at the scheduled meeting May 16, at 2 p.m. or upon adjournment, in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Defense Affairs and State-Federal Relations, 8 a.m. today, May 12, E2.010, for a public hearing, to consider **HCR 121**, **HCR 144**, and pending business.

Juvenile Justice and Family Issues is cancelled.

Public Health, upon adjournment May 13, E2.036, for a public hearing, to consider previously posted agenda items.

County Affairs is cancelled.

Judiciary, 2 p.m. or upon adjournment May 16, E2.028, for a public hearing, to consider **SB 978** and **SB 1597**.

Land and Resource Management, 9:45 a.m. today, May 12, Desk 74, for a formal meeting, to consider **SB 592**, **SB 740**, and **SB 1659**.

Pensions and Investments is cancelled.

CORRECTIONS IN REFERRAL

Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representative Crownover moved that the house adjourn until 10 a.m. today, May 12.

The motion prevailed.

The house accordingly, at 1:13 a.m., adjourned until 10 a.m. today, May 12.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

SB 1455 to Culture, Recreation, and Tourism.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 40

HCR 185

Senate List No. 18

SB 286, SB 489, SB 599, SB 728, SB 1211, SB 1224, SB 1428

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 11, 2005 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 2 Craddick SPONSOR: Seliger
In memory of U.S. Army Sergeant Brian Baker.

HCR 173 Pena SPONSOR: Hinojosa
Recognizing Edwards Abstract and Title Company of Hidalgo County on the company's 125th anniversary.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 11, 2005 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 3 Keffer, Jim SPONSOR: Ogden
Relating to financing public schools in this state and reducing school property taxes.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 1239 Hodge SPONSOR: Hinojosa
Relating to the implementation of unified drug enforcement strategies.
(AMENDED)

HCR 120 Chavez SPONSOR: Shapleigh
Honoring Louis, Ben, Bill, and Rick Bolanos for their valiant service in this country's behalf.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 220 (31 Yeas, 0 Nays)

SB 879 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 11, 2005 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 107 Estes
Relating to prohibitions on engaging in conduct related to the manufacture of methamphetamine and to the regulation and wholesale distribution of certain chemical substances; providing penalties.

SB 112 Van de Putte
Relating to the civil and criminal consequences of engaging in certain conduct related to the manufacture of methamphetamine and to the distribution and retail sales of pseudoephedrine.

SB 724 Lucio
Relating to the appraisal for ad valorem tax purposes of certain property used to provide low-income or moderate-income housing.

SB 1458 Wentworth
Relating to the adoption of a uniform commercial building code for use in the state.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 12, 2005 - 1

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 2 Grusendorf SPONSOR: Shapiro
Relating to public education, public school finance matters, and the imposition of a state ad valorem tax; imposing criminal penalties.
(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 10

County Affairs - **SB 736, SB 792, SB 1302, SB 1436, SB 1677, SB 1754**

Culture, Recreation, and Tourism - **SB 272, SB 454**

Judiciary - **HB 1477, HB 3557**

Juvenile Justice and Family Issues - **HB 1082**

Land and Resource Management - **SB 517, SB 1273**

Licensing and Administrative Procedures - **HB 193, HB 2149, HB 2888**

Natural Resources - **HB 1518, HB 2425, HB 2541, HB 2542, HB 3482,**
HB 3539, HB 3569, HB 3578, HB 3579, HB 3580, HB 3584, SB 1537

Regulated Industries - **SB 171, SB 1464, SB 1494, SB 1495**

Urban Affairs - **HB 3554, HB 3558**

ENGROSSED

May 10 - HB 26, HB 43, HB 62, HB 107, HB 192, HB 281, HB 506, HB 541, HB 584, HB 608, HB 647, HB 659, HB 669, HB 686, HB 692, HB 719, HB 812, HB 813, HB 833, HB 863, HB 888, HB 934, HB 949, HB 967, HB 1012, HB 1023, HB 1054, HB 1055, HB 1079, HB 1137, HB 1140, HB 1141, HB 1165, HB 1181, HB 1209, HB 1283, HB 1346, HB 1353, HB 1382, HB 1413, HB 1467, HB 1571, HB 1575, HB 1610, HB 1631, HB 1634, HB 1682, HB 1687, HB 1733, HB 1741, HB 1773, HB 1789, HB 1799, HB 1812, HB 1863, HB 1870, HB 1884, HB 1900, HB 1918, HB 1925, HB 1934, HB 1945, HB 1977, HB 1984, HB 1999, HB 2000, HB 2011, HB 2036, HB 2041, HB 2048, HB 2059, HB 2079, HB 2080, HB 2100, HB 2120, HB 2154, HB 2158, HB 2280, HB 2289, HB 2301, HB 2304, HB 2337, HB 2344, HB 2378, HB 2381, HB 2408, HB 2422, HB 2451, HB 2454, HB 2458, HB 2465, HB 2473, HB 2476, HB 2495, HB 2507, HB 2509, HB 2526, HB 2531, HB 2544, HB 2560, HB 2569, HB 2589, HB 2590, HB 2594, HB 2613, HB 2627, HB 2636, HB 2644, HB 2647, HB 2652, HB 2667, HB 2678, HB 2694, HB 2695, HB 2704, HB 2755, HB 2759, HB 2772, HB 2783, HB 2796, HB 2823, HB 2826, HB 2856, HB 2864, HB 2883, HB 2931, HB 2955, HB 2977, HB 3015, HB 3041, HB 3114, HB 3116, HB 3118, HB 3129, HB 3144, HB 3147, HB 3162, HB 3164, HB 3195, HB 3200, HB 3269, HB 3285, HB 3315, HB 3384, HB 3434, HB 3460, HB 3461, HB 3473, HB 3476, HB 3490, HB 3519, HB 3528, HB 3541, HB 3547, HB 3570, HB 3573, HCR 49, HCR 124, HCR 132, HJR 65, HJR 89

SENT TO THE GOVERNOR

May 10 - HB 231, HB 593, HB 597, HB 801, HB 802, HB 885, HB 918, HB 965, HB 1286, HB 1393, HB 2761, HB 2870, HB 2872, HB 2913

SIGNED BY THE GOVERNOR

May 10 - HB 2307